

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2083 OF 2015**

Raju @ Rajkumar Sudam Khude	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Kuldeep U. Nikam for the Applicant

Ms. P. P. Shinde, A.P.P for the Respondent-State

PSI Ms. More from Vishrantwadi Police Station is present

CORAM : REVATI MOHITE DERE, J.
FRIDAY, 23RD OCTOBER, 2015

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P for the State.

2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 14 of 2015 registered with the Vishrantwadi Police Station, Pune, for the alleged offences punishable under Sections 376, 363, 366 of the Indian Penal Code and under Sections 3, 4, 5 and 6 of the Protection of Children from Sexual Offences Act.

3. The complainant is the mother of the prosecutrix. At the relevant time, the prosecutrix was 16 years of age and the applicant was aged 19 years. It appears that initially a missing complaint was lodged by the mother of the prosecutrix stating that the prosecutrix had left home saying that she was going to the school and thereafter had not returned. According to the prosecution, the applicant had taken the prosecutrix aged 16 years with the intention to marry her and had sexually assaulted her.

4. Learned Counsel for the applicant states that the applicant and the prosecutrix were aged 19 and 16 years respectively and were known to each other. He submitted that both of them would frequently meet and that their acquaintance developed into a love affair. He submitted that a perusal of the statement of the prosecutrix shows that she had gone on her own accord with the applicant.

5. Learned A.P.P opposed the bail application. She submitted that the consent of the prosecutrix is immaterial, since the prosecutrix was a minor.

6. Perused the papers, in particular, the statement of the prosecutrix. It appears that the applicant and the prosecutrix were in love with each other and that they had decided to run away and get married. On 16th January, 2015, she left home with the applicant and went to various places. She has stated that the applicant put a mangalsutra and stated that they were married. Pursuant thereto, they had physical relationship. She has stated that on 6th March, 2015, as they learnt that a complaint was lodged as against the applicant, they went to the house of the applicant's father. She has stated that her relatives came and took them to the police station. It appears from the supplementary statement of the prosecutrix that she was pregnant. The investigation is complete and charge-sheet is filed. Although consent is immaterial, considering the nature of allegations and the age of the applicant, the applicant is enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 15,000/- with one or two sureties in the like amount;

- (ii) The applicant shall not tamper or attempt to influence or contact the prosecutrix, witnesses or any person concerned with the case;
- (iii) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- (iv) The applicant to cooperate with the conduct of the trial.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.