

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO.148 OF 2016

Ravi Ganesh Bhamre (Sonar)	..Applicant
V/s.	
The State of Maharashtra	.. Respondent

Mr.Aniket Nikam i/by Mr.Ashish Satpute for Applicant.
Mr.D.P.Adsule, APP for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.,

DATE : 11th MARCH, 2016.

P.C.

1. Heard learned counsel for the applicant and learned APP for the Respondent-State.

2. By this application, the applicant seeks his enlargement on bail in connection with CR No.197 of 2015 registered with the Panchavati Police Station, Nashik, for the alleged offences punishable under Sections 363 of the Indian Penal Code and under section 4,8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

3. The procecutrix left her home on 30th May 2015. On

31st May 2015 a missing complaint was lodged by the father of the girl with the Panchvati police station. On 02nd June 2015 a complaint was lodged as against unknown persons, alleging an offence punishable under section 363 of the Indian Penal Code. On 26th September 2015 the girl aged about 14 years, was found in Pandharpur along with the present applicant. Pursuant to which, the applicant came to be arrested.

4. Learned counsel for the applicant submits that a perusal of the statement of the victim girl recorded on 26th September 2015 and her statement recorded under Section 164 Cr.P.C. does not show the complicity of the applicant. He submits that the girl had left home on her own accord on several occasions earlier, prior to the lodging of the aforesaid complaint, with the applicant and that the girl was brought back home by her parents or sent back by the applicant's parents. He submits that in none of the statements which have been recorded, show, that the applicant had physically assaulted the girl.

5. Learned APP opposed the bail application. He submits that the consent of the victim girl, is immaterial, as the

girl was only 14 years, at the time of incident.

6. Perused the chargesheet, in particular, the statement of the girl recorded on 26th September 2015 and the statement of the victim girl recorded under section 164 Cr.P.C. In the statement of 26th September 2015 she has narrated in detail, how she met the applicant and how there was love affair between them; how she ran away on a couple of occasions and went to the house of the applicant; how the applicant's parents sent her back home. She has stated that she had decided to leave her house on 30th May 2015, even if the applicant did not accompany her. She has further stated that she took money from his sisters account and left home on 30th May 2015 along with applicant. She has stated how they went to Shirdi and thereafter to Pandharpur. She has further stated how she and the applicant started working in a shop, where they disclosed to the shop owner, that they were husband and wife till they were apprehended by the police. Even the 164 statement of the girl does not show that she was sexually exploited by the applicant.

7. Considering the peculiar facts, 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. 10,000/- with one or two sureties in the like amount;

(ii) The applicant shall not contact the complainant/victim girl and any person concerned with the case.

(iii) The applicant shall report to the Investigating Officer, Panchavati Police Station, Nashik on the first Saturday of every month between 10:00 a.m. to 01:00 p.m. for a period of 12 months, after his release and thereafter once in two months, till the conclusion of the trial;

(iv) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence of 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;

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

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

(REVATI MOHITE DERE, J.,)