

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.747 OF 2016

SANDEEP BABASAHEB RANSU

)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA

)...RESPONDENT

Shri G.K.Jadhav, Advocate for the Applicant.

Smt.Rutuja Ambekar, APP for the Respondent - State.

CORAM : P. N. DESHMUKH, J.

DATE : 21st JUNE 2016.

P.C. :

1 Applicant Sandeep Babasaheb Ransu being involved in
Crime No.62 of 2015 registered with Charkop Police Station for
the offences punishable under Sections 363, 366A and 376 of IPC
and Sections 4, 5 and 6 of Protection of Children from Sexual
Offences Act (POCSO Act) has sought bail. Learned counsel for
applicant states that no provisions of either of these sections
leveled against the applicant are attracted. Learned APP has
opposed the application on the ground that there is direct

evidence against the applicant. Perused the report dated 21st February 2015 lodged by Sangita, mother of prosecutrix, stating that on that date when she was out with her husband for work and had returned at around 12.30 pm, her younger daughter Rinu informed that prosecutrix left house saying that she is visiting the tailor and has not returned back. It is further stated that from the neighbours, complainant learnt that prosecutrix was indulged in love affair with applicant and has ran away with him. Accordingly, offence as aforesaid came to be registered.

2 From statement of prosecutrix it appears that about two years prior to incident of lodging of report, she is indulged in love affair with applicant and on many occasions they have indulged in physical contact. She has further stated that her friend Archana is also having love affair with one Deepak and on one occasion, as her parents as well as the parents of Archana came to know about the relations of applicant and Deepak respectively, they were subjected to beating and therefore prosecutrix with applicant and Archana with Deepak decided to

run away from house and then went to Poona and resided in one rented room. Ten to fifteen days thereafter, when Archana spoke to her mother on phone, she was informed that her mother was sick and she was called back and thus all the four returned back to Charkop, where they learnt about lodging of report by mother of prosecutrix and therefore they surrendered before the police.

3 From the medical report, history given by prosecutrix is about her indulging with applicant by consensual sexual intercourse on many occasions and is stated to be about 16 years of age, while trial court appears to have rejected the application considering the age of the prosecutrix to be of 15 years, and on the ground that applicant is not a resident of Mumbai.

4 Learned APP on instructions from Investigating Officer has stated that applicant is resident of address mentioned in the title of application but as a tenant.

5 Having considering the facts as aforesaid and the statement of prosecutrix, application is liable to be allowed by imposing condition, as investigation is completed and charge-sheet is filed in the court. Hence the order :

- i) Applicant Sandeep Babasaheb Ransu shall be released on bail in Crime No.62 of 2015 registered with Charkop Police Station on his executing P.R.Bond in sum of Rs.20,000/- with one surety in like amount.
- ii) Applicant while on bail shall mark his attendance with Charkop Police Station on first day of each month and in the event of change of his address, shall provide his new address in writing to Investigating Officer in Crime No.64 of 2015.
- iii) Applicant shall attend the trial court on each date.

(P N. DESHMUKH, J.)