

Ladda

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 935 OF 2016

Sinod Harpal Chauhan ..Applicant.

Vs

The State of Maharashtra ..Respondent.

Mr Arun Rajput, Advocate for the applicant.

Ms S.S.Kaushik, APP for the State.

CORAM : A.S.GADKARI, J.

DATE :7th September, 2016.

P.C.

1) This is an application under section 439 of the Code of Criminal Procedure, 1973 for bail in C.R. No. 158/2014 dated 24/9/2014 registered with Cuffe Parade Police Station, Mumbai under sections 363, 376 of the Indian Penal Code and under section 4 and 8 of the Protection of Children from Sexual Offences Act, 2012.

2) It is the case of the prosecution that the applicant was a married person. That the applicant alleged to have enticed the victim Ms Vandana, abducted her from the lawful guardianship and has committed an offence as contemplated under section 376 of the IPC. The first

information report is lodged by the father of victim namely, Shri Omprakash Isai. During the course of investigation, the police have recorded the statements of various witnesses and after receipt of the medical reports from the concerned hospital have now submitted the charge-sheet.

3) The applicant was arrested on 26.9.2015. That the victim in her statement dated 25.9.2015 has stated that she was acquainted with the applicant. That their friendship subsequently blossomed into love affair. She was aware of the fact that the applicant was a married person and there were disputes between the applicant and his wife namely Gayatri. That the victim subsequently at her own will accompanied the applicant and started residing at Delhi. That when the applicant and the victim Ms Vandana had been to Mumbai, the police apprehended the applicant. The age of the victim was about 17 years on the date of occurrence of the alleged incident.

4) The learned counsel for the applicant submitted that the victim had attained the age of understanding and at her own sweet will she had accompanied the applicant. That the applicant neither enticed the victim nor took her from the lawful guardianship of her parents. He submitted

that in view of the same the applicant is entitled to be released on bail. In support of his contention, he placed reliance on a decision of this Court in the case of *Satyam Ramchandra Fulore vs. State of Maharashtra* reported in, 2015 ALL MR (Cri) 2785.

5) I have perused the entire charge-sheet annexed to the present application. That the victim was aged about 17 years on the date of alleged offence. The perusal of the statement of the victim and other statements which are on record reveals that the victim had attained the age of understanding and at her own will accompanied the applicant. That the victim subsequently accompanied the applicant to New Delhi and was staying there with him for a considerable period. The applicant was working at New Delhi in the said intervening period and was maintaining the victim. It appears further from the statement of the victim that the applicant was treating the victim as his own wife. That the applicant is in jail since 26.9.2015. As per the record, there are no antecedents at the discredit of the applicant.

6) In view of the above, the applicant has made out a case for his release on bail.

Hence, the following order :-

ORDER:-

- a) The applicant be released on bail in CR No. 158 of 2014 registered with Cuffe Police Station, Mumbai on his furnishing a P.R. bond of Rs. 15,000/- with one or more local sureties in the like amount;
- b) After his release from jail, the applicant shall attend Cuffe Parade Police Station, Mumbai once in a month i.e. on every first Monday of the said month between 11:00 a.m. to 2:00 p.m;
- c) The applicant shall also attend all the dates before the trial Court;
- d) Any two consecutive defaults in complying with the aforesaid conditions will attract the provisions of cancellation of bail;
- e) The applicant shall not tamper with the evidence and/or influence the witnesses;
- f) The application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)