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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1318 OF 2016

Papu Baburao Satpute	..Applicant.
V/s.	
State of Maharashtra	..Respondent.

Mr.Sanjay S.Patil for the applicant.

Mr.Deepak Thakre, APP for respondent-State.

CORAM : A.M.BADAR, J.

DATED : 27TH JULY, 2016

P.C. :-

1. The Applicant / accused in Crime No.I-19/2015 for offences punishable under section 376, 363, 366 and 292 read with 34 of the Indian Penal Code, under section 4, 5(J), 2(5)(L)(M), 6, 8, 10, 12 of the Protection of Children from Sexual Offences Act, 2012 registered with Junnar Pune Gramin Police Station, Taluka Junnur, District Pune by this application is praying for bail after filing of the charge-sheet.

2. Heard the learned counsel appearing for the applicant as well as the learned APP. The learned APP opposed

the application by contending that the victim was of just 12 years of age at the time of commission of offence and applicant had allured her to leave the company of her parents.

3. Perused the charge-sheet. The informant father Chandrakant Doble reported that on 5th February, 2015 his 11 years old daughter went missing. He came to know that she was lastly seen in the company of the present applicant. The wheels of investigation were then set in motion and ultimately, the victim was traced on 14th March, 2016. Her statement came to be recorded on that day. At that time she was carrying pregnancy of 9 months. She reported to police that she and present applicant were in love and after eloping with the present applicant, she married him in a temple at Alandi. Her subsequent statement is also a reiteration of her earlier version. The couple then stated residing in village near Akluj. The applicant and the victim used to stay in a rented room and they used to work in the field for earning livelihood.

4. The victim was subjected to ossification test and her age is stated to be more than 17 years and below 19 years.

5. Considering this nature of evidence against the present applicant, the pre-trial detention of the applicant is not warranted. Hence the order :-

- (i) The application is allowed;
- (ii) The applicant / accused in Crime No.I-19/2015 for offences punishable under section 376, 363, 366 and 292 read with 34 of the Indian Penal Code, under section 4, 5(J), 2(5)(L)(M), 6, 8, 10, 12 of the Protection of Children from Sexual Offences Act, 2012 registered with Junnar Police Station, Taluka Junnur, District Pune be released on bail on his executing P.R. bond in the sum of Rs.15,000/- with one or more surety in the like amount;
- (iii) The applicant / accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade him / her from disclosing such facts either to the Court or to any police officer and that he shall not tamper with the evidence;

- (iv) The applicant / accused shall co-operate for expeditious disposal of the trial;
- (v) The applicant / accused shall not commit an offence similar to the offence of which he is accused or suspected of commission;
- (vi) The application is disposed of accordingly.

(A.M.BADAR, J.)