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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1576 OF 2016

Sharad Subal Zalte	 Applicant
V/s.	
The State of Maharashtra	 Respondent

Mr. Tushar N. Sonawane, for the Applicant.
Ms. R.M. Gadhvi, APP for the Respondent State.

CORAM : A. M. BADAR, J.

DATE : 5th AUGUST, 2016.

P.C. :

1. The applicant/accused, in crime No.I-34 of 2016, registered at Yeola City Police Station, District: Nashik, for the offences punishable under Sections 363, 366A, 376 of the Indian Penal Code, and under Sections 3 and 4 of the Prevention of Children from Sexual Offences Act, at the instance of father of the victim child, by this application, is seeking bail after filing of the chargesheet.

2. Heard the learned counsel appearing for the applicant/accused. By pointing out statements of informant Shivaji Shingade as well as victim child, he argued that the victim at the relevant time was more than 17 years of age and she was having love relations

with the present applicant. The learned counsel argued that the victim joined the company of the present applicant and roamed at various places with him. Considering this nature of evidence, according to the learned counsel for the applicant, pre-trial detention of the applicant is not warranted.

The learned APP opposed the application, by submitting that the offence is of rape on female child and therefore serious. The learned APP submitted that considering the nature of evidence, the application is required to be rejected.

Perusal of the F.I.R. goes to show that informant father was well aware about the love relations between his minor female child and the present applicant. The informant was informed by the present applicant that he is going to marry the daughter of the informant.

Perusal of the statement of victim child, goes to show that on 10.3.2016, she eloped with the present applicant and alongwith the present applicant, she visited various places such as Shirdi, Pune, Jejuri etc. It appears that the victim child was with the present applicant upto 25.3.2016. They were staying in various lodges. According to victim child, it was on 12.3.2016, after return from Jejuri, the present applicant has committed rape on her for the first time. Thereafter also according to victim child, she accompanied the present applicant to the house of

relatives of the applicant, at that places also according to informant, applicant had committed rape on her.

Now the investigation of the crime in question is over. The chargesheet has been filed. Applicant is having no any criminal antecedents and that there is no apprehension expressed on the part of prosecution that the applicant will not be available for trial. In this view of the matter, further pre-trial detention of the applicant is not warranted and therefore, the following order.

Order

- I) The application is allowed.
- II) The applicant arrested in connection with above offence, be released on bail on his executing P.R. Bond in the sum of Rs.20,000/- and on his furnishing surety in the like amount.
- III) The applicant shall not, directly or indirectly, make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade them from disclosing such facts either to the Court or to any police officer.
- IV) The applicant shall attend the trial scrupulously and shall co-operate the trial Court in expeditious disposal of the case.
- V) The applicant shall not tamper with the prosecution evidence in any manner.

[A. M. BADAR, J.]