

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1800 OF 2015

Navid Imdad Pathan	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Priyal G. Sarda, Adv. for the applicant.
Mrs. Veera Shinde, APP for the State.

CORAM : SMT ANUJA PRABHUDESSAI, J.
DATE : 7th January, 2016.

P.C. :

1. This is an application for bail filed by the aforesaid applicant who is facing trial in Special Case No.51 of 2015 pending on the file of Sessions Judge, Satara for the offences punishable under Section 363, 342, 343, 346, 366 & 376 of IPC and Section 3,4 and 6 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act.).

2. Mr. Priyal Sarda, the learned counsel for the applicant has submitted that the victim and the applicant were known to each other. On 17th April, 2015 the victim herself accompanied the applicant and stayed with him for two days in his house. The learned counsel for the applicant has submitted that the applicant is in

custody since 20th April, 2015 and his presence is no longer required in the custody.

3. Mrs. Shinde, the learned APP for the State submits that the victim is a minor and that there is prima facie material on record to show that the applicant was involved in enticing the victim and committing an offence of rape.

4. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties. The records prima facie reveal that the victim was of 15 years of age and is child within the meaning of Section 3 of the POCSO Act. The statement of the victim reveals that she was friendly with the applicant. She used to meet him so that on 17th April, 2015 she had left the house and stayed with the applicant. The victim had stayed with the applicant for two to three days during which time the applicant had sexual intercourse with the victim. The victim being a minor her consent is not relevant. Nonetheless considering the fact that the applicant is in custody since 20th April, 2015 and his presence is no longer required into custody, he is ordered to be released on the following terms and conditions.

- (i) The applicant shall be released on bail on furnishing P.R. bond of Rs.30,000/- (Rupees Thirty Thousand only) with one or two sureties in the like amount to the satisfaction of the Addl. Sessions Judge, Satara.
- (ii) The applicant shall not leave Satara District without prior permission of the Addl. Sessions Judge, Satara.
- (iii) The applicant shall attend the Sessions Court on each and every date of hearing.

(ANUJA PRABHUDESSAI, J.)