

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2158 OF 2015

Navnath Kashinath Bhor	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent
Mr. Ashutosh R. Gole, Adv. for the applicant.		
Mrs. G.P. Mulekar, APP for the State.		

CORAM : SMT ANUJA PRABHUDESSAI, J.
DATE : 29th February, 2016.

P.C. :

1. This is an application for bail filed by the aforesaid applicant who is facing trial in Special Case No.6 of 2015 pending on the file of Addl. Sessions Judge, Khed-Rajgurunagar arising out of Crime No.186 of 2014 registered with Otur Police Station for offences punishable under Sections 363, 366(A) and 376 of the IPC and Sections 3, 4, 6, 8 and 10 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act) The aforesaid crime came to be registered pursuant to the FIR lodged by one Meena Gadge, the mother of the victim.

2. The allegations against the applicant are that he had kidnapped the minor daughter of the complainant and sexually abused her. The applicant was arrested on 31st December, 2014. The applicant had filed bail application before the Addl. Sessions Judge, Khed-Rajgurunagar. Said application came to be dismissed vide order

dated 27th August, 2015. Hence the present application.

3. Heard Mr. Gole, the learned counsel for the applicant and Mrs. Mulekar, the learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

4. The records prima facie reveal that the complainant had initially lodged the complaint stating that her daughter had left the house on 24th December, 2014 on the pretext that she was going to the school. Her daughter had not returned home and as such the mother of the victim had lodged a FIR against an unknown person for kidnapping her daughter. Subsequently the victim was traced in a nearby village and found to be living with the applicant herein. The statement of the victim prima facie reveals that the applicant was prima facie known to her and they were in friendly relations. Her statement indicates that she had left the house and stayed with the applicant from 24th December, 2014 to 30th December, 2014 and during this time they entered into sexual relationship.

5. The records reveal that the applicant was 17 years and 6 months of age at the time of incident. The victim being a child, the

consent is immaterial and the act contributes rape within the meaning of the section. Nonetheless the applicant herein is himself a young boy of 20 years. Considering this fact and also considering the fact that the investigation is complete, no fruitful purpose would be served in detaining the applicant in jail.

6. Under the circumstances the application is allowed on the following terms and conditions.

- (i) The applicant shall be released in Crime No.186 of 2014 registered with Otur Police Station on furnishing bail bond of Rs.20,000/- (Rupees Twenty thousand only) with one surety in the like amount to the satisfaction of Addl. Sessions Judge, Khed-Rajgurunagar.
- (ii) The applicant shall appear before the Addl. Sessions Judge, Khed-Rajgurunagar on each and every date of hearing.
- (iii) The applicant shall not tamper with the evidence or influence the complainant and the other witnesses in any manner.

(ANUJA PRABHUDESSAI, J.)