

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION No.2163 OF 2015

Suresh Sakharam Dharade .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.Vishal Kolekar i/b. Mr.A.Kamkhedkar,
Advocate, for the Applicant
Smt.Veera Shinde, APP, for the Respondent –
State

CORAM : REVATI MOHITE DERE, J.

DATE : 26.04.2016

P.C.

. Heard learned counsel for the Applicant
and the learned APP for the Respondent – State.

2. By this Application, the Applicant
seeks his enlargement on bail in connection with
C.R.No.344 of 2014 registered with the Manchar
Police Station, Ambegaon, District – Pune, for
the alleged offences punishable under Sections
366, 366A, 376(2)(i), 506 r/w.34 of the Indian
Penal Code and under Section 4 of the Child Act.

3. The Complainant is the mother of the prosecutrix, who was aged 15 years and 9 months, at the relevant time and was studying in Std 10. It is alleged that on 20.11.2014 at about 10.00 a.m., the prosecutrix disclosed to her family members that as she had practicals in School, she was going to School. The Complainant's brother-in-law dropped the prosecutrix, on his motor cycle to School and returned home. As the prosecutrix did not return home, the family members made enquiries and learnt that on that day, the School was closed. They also made enquiries with the relatives and prosecutrix's friends, however, were unable to trace her. The Complainant and the family members checked the prosecutrix's cupboard at home and found that her clothes and purse were missing. Pursuant thereto, a complaint was lodged alleging an offences punishable under Sections 363, 366A of the Indian Penal Code as against unknown person. The prosecutrix was, thereafter, found on

05.12.2014, pursuant to which, the Applicant came to be arrested and other Sections came to be added.

4. Learned counsel for the Applicant submitted that the Applicant and the prosecutrix were in love with each other and that the Applicant had told her that he would marry her, pursuant to which she ran away with him. He submitted that the statement of the prosecutrix will show that she had left her home on her own accord and had stayed with the Applicant.

5. Learned APP opposed the Bail Application. She submitted that considering the fact that the prosecutrix is a minor, consent is immaterial.

6. Perused the papers, in particular, the statement of the prosecutrix. No doubt consent is immaterial, considering that the prosecutrix

was 15 years and 9 months, at the time of the incident, however, a perusal of the statement of the prosecutrix shows that she was in love with the Applicant and that they had gone and stayed at various places till they were found on 05.12.2014. Investigation is complete and charge-sheet is filed. There are no antecedents qua the Applicant. It is informed that the prosecutrix resides in Pune and the Applicant is a resident of Yesarthav, Taluka-Akole, District-Ahmednagar.

7. Considering the aforesaid, the Application is allowed. The Applicant is enlarged on bail on the following terms & conditions:

ORDER

(i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs.15,000/- with one or two sureties in the like amount;

(ii) The applicant shall report to the investigating officer of the Manchar Police Station, Ambegaon, District – Pune on the **first Saturday of every month** between **10:00 a.m. and 11:00 a.m.** till the conclusion of the trial;

(iii) The applicant shall not tamper or attempt to influence or contact the prosecutrix, witnesses or any person concerned with the case;

(iv) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The applicant to cooperate with the conduct of the trial;

(vi) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

8. The Application is allowed in the aforesaid terms and is accordingly disposed of.

9. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)