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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2207 OF 2015

Rohan Tukaram Dhuri

...Applicant.

Vs.

The State of Maharashtra

..Respondent

Mr. V.V. Purwant for Applicant.

Ms. Rutuja Ambekar, APP for State.

CORAM: A.S. GADKARI, J.

DATE : 25th August 2016.

P.C.

1 This is an application for bail under Section 439 of Cr. P.C. in CR No.502 of 2014 registered with Manpada Police Station, Dombivali, District-Thane under Section 363, 376 of the Indian Penal Code and under Section 3 and 4 of the Protection of Children From Sexual Offences Act, 2012 (for short "PCSO Act").

2 The first information report is lodged by the Smt. Vijaya V. Shinde on 7.10.2014. The first informant is the mother of the victim girl in the present crime. In view of the provisions of Section 228-A of the Indian Penal Code, the detailed narration of the facts are hereby avoided. It is

stated in the first information report that on the said date of incident, the informant noticed one cheat of paper in the balcony of her house wherein the victim girl had stated that she was leaving her house along with the applicant as there was love affair between them. After lodgment of the first information report, the police investigated the crime. The applicant was arrested on 26.10.2014. After completion of investigation, police have now filed chargesheet. It is is case of the prosecution that the applicant lured the victim girl to leave her house and removed her from the guardianship of her parents and took her to Kankavli, District-Sindudurg and stayed there four-to-five days at the house of his relative i.e. cousin brother of the applicant. The statements of the relatives annexed to the chargesheet reveal that the victim girl informed her age to the said witnesses at Kankavli as 18 years and therefore the said witness allowed them to stay at the said place. It is after the victim girl returned to her parents house, the first information report is lodged by her mother.

3 It appears from the evidence which is in the form of statement of the witnesses that the victim girl had attained the age of understanding. In view of the above, I am inclined to release the applicant on bail.

4 Hence, the following Order:

(i) The applicant be released on bail in CR No.502 of 2014

registered with Manpada Police Station, Dombivali, District-Thane on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

(ii) After his release from the jail, the applicant shall attend the Manpada Police Station once in month i.e. on every 1st Monday of the said month between 11.00 a.m. to 2.00 p.m.

(iii) The applicant shall also attend all dates before the Trial Court.

(iv) It is made clear that any two consecutive defaults shall attract the provisions of cancellation of bail.

(v) Application is allowed in the aforesaid terms.

(A.S. GADKARI,J.)