

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2266 OF 2016

Amar @ Amarjeet Balveersingh Gill..	Applicant
Vs.	
The State of Maharashtra ...	Respondent

Mr. Aniket U. Nikam i/b. Mr. Aashish Satpute, Advocate for the applicant.
Mr. Vinod Chate, APP, for the State.

CORAM: SMT.SADHANA S.JADHAV, J.
DATE : 22nd December, 2016.

P.C.

Heard. This is an application under Section 439 of Cr.P.C. The application herein is arrested on 10.2.2016 in Crime No.9 of 2016 registered at Otur Police Station, Pune Rural on 11.1.2016. The investigation is completed and charge sheet is filed on 6.4.2016 against the applicant for the offences punishable under Sections 363, 366A and 376 of the Indian Penal Code and under Sections 4, 6, 8, 10 and 12 of the Protection of Children from Sexual Offences Act, 2012 and under Section 3(1)(11) and 3(1)(12) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. It is the case of the prosecution that on 11.1.2016, Sitabai Alhat

lodged a report at the police station that her granddaughter aged about 15 years was residing with her since 24.12.2015. It is alleged that on 10.1.2016, her granddaughter Yamini was not found at the house. They searched for her at all known places. On 11.1.2016, Deepak i.e. father of Yamini informed her grandmother that Yamini has eloped with Amar Gill i.e. the present applicant. On 10.2.2016, the victim Yamini was found in the company of the present applicant. Her statement was recorded and she had disclosed to the police that she was acquainted with the present applicant. He had expressed his love for her and also suggested that they should elope and get married. On 7.1.2016, she called upon the applicant and at her request, the applicant came to fetch her on 10.1.2016. They eloped from the house and they travelled to different places such as Vani, Nashi, Indore and other places. She has also stated that during that period, they had sexual intercourse. The statement of the victim is also recorded under Section 164 of Cr.P.C. wherein she has specifically stated that it was at her behest that the applicant had come to fetch her on 10.1.2016. The victim has not alleged that she was forced to leave her house or that she was coerced to have sexual intercourse with the applicant.

3. The learned counsel for the applicant rightly submits that it is a

case of love affair between the two teenagers and that the applicant has been in custody for almost 10 months . Hence, he deserves to be enlarged on bail.

4. The learned Sessions Judge shall not be influenced by the observations at the time of trial and they are restricted to an application under Section 439 of Cr.P.C.

ORDER

- (i) The application is allowed.
- (ii) The applicant be enlarged on bail on his furnishing P.R. Bond in the sum o Rs.25,000/- with one or more sureties in the like amount.
- (iii) The applicant shall not leave District Pune jurisdiction till the end of trial.

Application stands disposed of.

(SMT. SADHANA S.JADHAV, J.)