

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.2555 OF 2016**

Ambadas Walmik Bhalerao Applicant
(Presently lodged in Adharwadi
Jail Kalyan)

Vs.

The State of Maharashtra Respondent
(Thru' Bazarpeth Police Station,
Kalyan (West))

Mr. Sandeep Dere, Advocate for the applicant.
Smt. Rutuja Ambekar, APP for the State.
Mr. G.J. Jaid, Asstt Police Inspector, Bazarpeth Police Station,
Kalyan present.

Coram : N.W. SAMBRE, J.

Date : 19th December, 2016

P.C.

1 The applicant is seeking regular bail in C.R. No. 238 of 2016, registered with Bazarpeth Police Station, Kalyan (West) for the offences punishable under Sections 420, 494, 495, 375(6), 376 Indian Penal Code and Sections 4 and 12 of POCSO Act.

2 The offence came to be registered presuming that the victim-girl—Ms.Shabnam Hanif Shaikh, is aged about 17 years.

3 It is claimed in the F.I.R. that the present applicant married said Shabnam on the false pretext of getting her father released, who is detained in the jail as an accused.

4 The birth certificate of said victim Shabnam narrates her date of birth as 27th October, 1996, which fact is not disputed by the learned APP, who has confirmed the same from instructions received from the Investigating Officer on the abovesaid issue.

5 The prosecution has come with a case of marriage with the victim-girl by the applicant. In my opinion, the claim that the applicant is below 18 years prima facie appears to be incorrect. So far as the other issues are concerned, the applicant has already undergone custodial interrogation. There are no criminal antecedents. Hence, in my opinion, the application needs to be allowed.

6 The applicant be released on bail on furnishing P.R. Bond of Rs.25,000/- (Rupees Twenty Five Thousand only) with one or two sureties in the like amount.

7 The applicant to attend Bazarpeth Police Station as and when called.

8 The applicant shall in any case furnish his contact number/ his permanent place of residence.

9 The applicant not to tamper with the evidence and/ or influence the witnesses in any manner whatsoever.

(N.W. SAMBRE, J.)