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

CRIMINAL BAIL APPLICATION NO.1168 OF 2017

Akshay Anil Mittal @Jadhav

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.Deepak Girme a/w Mr.Rajendra Patil, for the Applicant.

Ms.S. S. Kaushik, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

DATE : 16th JUNE, 2017

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.216 of 2017 registered with the Yerwada Police Station, Pune for the alleged offences punishable under Section 363, 363A, 376 of the Indian Penal Code and under Sections 5(L) and 6 of Protection of Children from Sexual Offences Act.

3. Learned Counsel for the applicant states that the applicant was about 18 to 19 years old and the prosecutrix was about 17 years, at the relevant time. He submitted that the applicant and the prosecutrix were known to each other prior to the incident and that their friendship developed into a love affair. He submitted that the complainant was against the said relationship and hence the prosecutrix and the applicant had run away. He submitted that the applicant has completed his 12th Standard and has been in custody since 14th March, 2017.

4. Learned APP has produced the statement of the prosecutrix.

5. Perused the papers, in particular the statement of the prosecutrix. It appears that the prosecutrix and the applicant were known to each other for about 3 years prior to the incident and that their friendship developed into a love affair. It appears that both were studying in the same class, since standard 10th and would meet regularly. It also appears that the parents of the prosecutrix were unaware of the said relationship between her and the applicant. According to the prosecutrix, in January, 2017, the applicant's mother went to the complainant's house and disclosed that the

applicant was in love with the prosecutrix and that he wanted to marry her. It is alleged that the complainant got enraged and stated that she did not want to get her daughter (prosecutrix) married to the applicant. She has further alleged that the applicant's mother stated that if she did not permit the applicant to get married to the prosecutrix, the applicant would run away with her. On 4th March, 2017 the applicant and the prosecutrix left home as the applicant had disclosed to her that they would run away and get married. Thereafter, the applicant and the prosecutrix went to Kothrud and thereafter, to Mumbai. According to the prosecutrix on 7th March, 2017 they went to Hajimalan Dargah at Kalyan. It is alleged that on the said day, the applicant disclosed to the prosecutrix that they were to get married and had physical relations with her. It is alleged that thereafter they returned back home on the next day. The applicant has been in custody since 14th March, 2017. Investigation is complete and charge-sheet is filed.

6. Considering the peculiar facts of this case, the application is allowed and the applicant is enlarged on bail on the following terms and conditions:-

ORDER

- i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.20,000/- with one or two sureties in the like amount;
- ii) The Applicant shall attend the concerned Police Station, on the first Monday of every month, between 10:00 a.m. to 11:00 a.m., for a period of 12 months;
- iii) The Applicant shall not contact the complainant, witnesses or any person concerned with the case;
- iv) The Applicant shall co-operate in the conduct of the trial.

7. The Application is allowed and disposed of in above terms.

8. It is made clear that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

9. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)