

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

BAIL APPLICATION NO. 1611 OF 2017

Suraj Vitthal Gaikwad

... **Applicant**

V/s.

The State of Maharashtra

... **Respondent**

Mr. Satyavrat Joshi for the Applicant.

Mr. A.A. Palkar, APP for the Respondent/State.

CORAM : A.S.GADKARI, J.

DATE : 15th SEPTEMBER, 2017

P.C.:

. This is an application under Section 439 of Cr.P.C. for bail in C.R. No. 121/2017 dated 19.02.2017 registered with Vishrambaug Police Station, District Pune under Sections 363 and 376(1) of Indian Penal Code and Section 4 of Protection of Children from Sexual Offences Act, 2012.

2 It is the case of the prosecution that the Applicant kidnapped the prosecutrix who was aged about 17 years on the date of incident and by giving promise to marry committed rape on her. The First Information Report is lodged by Shri. Vijay Menge, the father of the prosecutrix on 19.02.2017. During the course of investigation, the Applicant came to be arrested on 25.02.2017 and after completion of investigation, police have submitted charge-sheet.

3 Perused the charge-sheet. It prima facie appears from the statement dated

26.02.2017 of the prosecutrix that she was having love affair with the Applicant and that Applicant had proposed her, however, the family members of the prosecutrix were against the said affair. That on 16.02.2017 at the insistence of the Applicant, the prosecutrix eloped with him and was staying at Panorama Lodge, Pune. That after the father of the prosecutrix lodged complaint, the police arrested the Applicant.

4 It appears from the statement of the prosecutrix that on the date of incident, she had attained the age of understanding and discrimination and at her own will, she eloped with the Applicant.

5 In view of the above, the Applicant can be released on bail.

6 Hence, the following order:-

- i) The applicant be released on bail in C.R. No. 121/2017 dated 19.02.2017 registered with Vishrambaug Police Station, District Pune on his furnishing PR bond of Rs.15,000/- with one or two local sureties in the like amount.
- ii) After his release from the jail, the applicant shall attend the Vishrambaug Police Station once in month i.e. on every 1st Monday of the month between 11.00 a.m. to 2.00 p.m.
- iii) The applicant shall also attend all dates before the Trial Court.
- iv) Any two consecutive defaults in complying with the aforesaid conditions, shall attract the provisions of cancellation of bail.

- v) The Applicant shall not tamper with the evidence and/or pressurize or threaten the prosecution witnesses.
- vi) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)