

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1754 OF 2017

PANDIYA RAJ CHANDRASHEKHAR)
ARUNDUDHIYAR)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Mr.Manoj Gowd, Advocate for the Applicant.

Ms.Veera Shinde, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 27th NOVEMBER 2017

P.C. :

1 The applicant/accused in Crime No.255 of 2016
registered at Trombay Police station, for offences punishable
under Sections 363, 366, 376, 506 of the Indian Penal Code (IPC)
as well as under Sections 4, 6 and 8 of the Protection of Children
from Sexual Offences Act, by this application, is seeking his
release on bail after filing of the charge-sheet against him.

2 Heard the learned advocate appearing for the applicant/accused. He argued that the First Information Report (FIR) lodged by the mother of the victim as well as statement of the victim of the crime in question points out that there was love affair between the present applicant/accused as well as the alleged victim of the crime in question and they both eloped from their respective houses and resided at Ramnathpuram.

3 The learned APP opposed the application by contending that the victim of the crime in question is a minor female and the applicant/accused had committed penetrative sexual assault on her.

4 I have carefully considered the rival submissions and also perused the charge-sheet. The FIR itself discloses that the present applicant/accused, who is also a young boy, and the alleged victim of the crime in question, who is 17 years old female, were deeply in love with each other since two years prior

to the alleged incident. The statement of the alleged victim of the crime in question shows that on 11th September 2016, she eloped with the present applicant/accused and they went to Ramnathpuram, where they stayed at a temple. Thereafter, the alleged victim of the crime in question returned to Mumbai on 27th September 2016 by leaving company of the present applicant/accused on 14th September 2016.

5 In the matter of **Sunil Patil vs. State of Maharashtra**¹ and **Satyam Ramchandra Fulore vs. The State of Maharashtra**² (**Coram : Sadhana S. Jadhav, J.**), considering the fact that the investigation of the crime in question is over and no force or violence was applied to the alleged victim of the crime in question, who is alleged to be 17 years of age, and the present applicant/accused as well as the victim of the crime in question were deeply in love with each other, I do not see any reason to deny bail to the present applicant/accused. In this view of the matter, the following order :

1 2016 ALL MR (Cri) 1710

2 Criminal Bail Application No.1953 of 2014

ORDER

- i) The application is allowed.
- ii) The applicant/accused in Crime No.255 of 2016 registered at Trombay Police station, for offences punishable under Sections 363, 366, 376, 506 of the IPC as well as under Sections 4, 6 and 8 of the Protection of Children from Sexual Offences Act, is ordered to be released on bail on his executing P.R.Bond in the sum of Rs.15,000/-, and on furnishing surety in like amount.
- iii) As a condition of this order, the applicant / accused shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him from disclosing such facts to the court or to the Police Officer.
- iv) The applicant/accused should not contact the prosecutrix or her family members in any manner and he should not repeat commission of similar offence.
- v) On request of the learned advocate for the applicant/accused, initially, for a period of three weeks, the applicant/accused be released on cash security in order to enable him to arrange for surety.
- vi) The application is disposed of.

(A. M. BADAR, J.)