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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1895 OF 2017

Bhausahab Bajirao Mathure

..Applicant.

Vs.

The State of Maharashtra

..Respondent

Mr. Aniket Nikam i/b Aashish Satpute for Applicant.

Mr. S.R. Agarkar, APP for State.

CORAM: A.S. GADKARI, J.

DATE : 3rd October 2017.

P.C.

1] This is an application under Section 439 of Cr. P.C. for bail in CR No. 71 of 2016 dated 28.4.2016 registered with Vadivarhe Police Station, Igatpuri, District- Nashik under Section 353, 376 of the Indian Penal Code and under Sections 4, 8, 12 of the Protection of Children from Sexual Offences Act (POCSO Act).

2] It is the prosecution case that, the applicant induced the victim girl, abducted her and subsequently performed marriage with her. It is the further prosecution case that the applicant had physical relations with the

victim girl. The first information report is lodged by Shri Dattu Mutadak, father of the victim girl. During the course of investigation, the police have arrested applicant on 1.12.2016 and after completion of investigation submitted the chargesheet.

3] Heard the learned Counsel for the applicant and the learned APP. Perused the chargesheet.

4] The record indicates that the victim girl namely Miss. Yogita Mutadak was aged about 17 years and 6 months old on the date of alleged offence i.e. 16.4.2016. In her statement recorded by the police, she has categorically stated that the applicant was residing in the adjoining room and she was knowing him well. That the victim girl was aware of the fact that the applicant is a married person having a child from his wedlock. She has stated that her parents decided to perform her marriage with some other person to which she was not agreeable and therefore on 16.4.2016 in the wee hours at about 2.00 a.m., she left her parental house and eloped with applicant and stayed in the State of Goa as husband and wife. After reading the statements of the victim girl, prima facie, it appears that on the date of alleged offence i.e. on 16.4.2016 victim girl had attained the age of discrimination and understanding and of her own free will she eloped with applicant.

5] In view thereof, this Court is of the view that, the applicant can be released on bail.

Hence the following Order:

(i) The applicant be released on bail in CR No. 71 of 2016 registered with Vadovarhe Police Station, Igatpuri, District Nashik on on his furnishing PR bond of Rs.20,000/- with one or two solvent local sureties in the like amount.

(ii) After his release from the jail, the applicant shall attend the concerned 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 the dates before the Trial Court.

(iv) Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

6] Application is allowed in the aforesaid terms.

(A.S. GADKARI,J.)