

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

BAIL APPLICATION NO. 2024 OF 2017

Suraj @ Sonaya Bharat Moholkar
V/s.

... **Applicant**

The State of Maharashtra
(Through Karnala Police Station,
Dist. Solapur Vide C.R. No. 270/2017)

... **Respondent**

Mr. P.G. Sarada for the Applicant.
Mr. A.A. Palkar, APP for the Respondent/State.

CORAM : A.S.GADKARI, J.
DATE : 07th SEPTEMBER, 2017

P.C.:

. This is an application under Section 439 of Cr.P.C. for bail in C.R. No. 270 dated 11.05.2017 registered with Karmala Police Station, District Solapur under Sections 363, 366 (A), 376(2)(i) of Indian Penal Code and under Sections 4 and 8 of POSCO Act and Under Sections 3(1)(w)(i), 3(2)(v-a) of Scheduled Caste & Scheduled Tribes Act.

2 Heard the learned Counsel for the Applicant, learned APP and perused the record.

3 The prosecutrix was aged about 17 years on the date of incident i.e. on 11.05.2017. The age of Applicant is about 22 years. On the basis of first information report lodged by father of the prosecutrix, the criminal law was set into motion. After completion of investigation, the police have submitted charge-sheet.

4 The statement of prosecutrix clearly indicates that the Applicant and prosecutrix are having love affair and in the intervening night of 08.05.2017 and 09.05.2017, the prosecutrix left her parental house and eloped with the Applicant. It appears on the record that, the prosecutrix has attained age of understanding and discrimination and she has taken the said decision at her own sweet will. After taking into consideration the peculiar facts of the present case and the age of the Applicant, this Court is of the considered opinion that the Applicant is entitled to be released on bail.

5 Hence, the following order.

i) The Applicant shall be released on bail in C.R. No. 270 dated 11.05.2017 registered with Karmala Police Station, District Solapur on his furnishing PR Bond of Rs.15,000/- with one or two solvent local sureties in the like amount.

ii) After his release from jail, the Applicant shall attend Karmala Police Station, District Solapur on every first Monday of the month between 10.00 a.m. to 12.00 noon.

iii) The Applicant shall also attend all the dates before Trial Court.

iv) Any two consecutive defaults in complying with the aforesaid conditions will attract the provisions of cancellation of bail.

v) Application is allowed in above terms.

(A.S.GADKARI, J.)