

Anand

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

BAIL APPLICATION NO. 2249 OF 2017

Balasaheb Balbhim Gund

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr. U. R. Agandsurve, Advocate, for the Applicant

Mrs. Rutuja Ambekar, APP, for the Respondent – State

CORAM : A.S.GADKARI, J.

DATE : 17.11.2017

P.C.

. This is an Application under Section 439 of Cr. P.C. for bail in CR No. 172 of 2017 registered with Vairag Police Station, Solapur under Sections 376(F), 363 & 366 of the Indian Penal Code and under Sections 4, 8 & 12 of the Protection of Children from Sexual Offences Act (for short 'POCSO').

2. The first information report is lodged by Smt. Sangeeta Suresh Ghodke, the mother of victim girl, who was aged about 17 years on the date of lodgment of first information report. It is the prosecution case that the Applicant who is a distant relative of the victim girl induced her, abducted her and thereafter, committed an offence as contemplated under Section 376(f) of the Indian Penal Code. As the

victim girl is below the age of 18 years, the provisions of POCSO Act are also applied to the present crime. During the course of investigation, the Applicant came to be arrested on 01.06.2017 and after completion of investigation, police have submitted charge-sheet.

3. Perused the charge-sheet.

The record indicates that in her statement recorded under Section 161 of the Code of Criminal Procedure, the first informant has stated that the Applicant by extending threats forced her to leave her parents house and thereafter, took her to Umerkhed. They resided at a lodge and the Applicant committed the aforesaid offence at the said place. In her statement recorded under Section 164 of the Code of Criminal Procedure on 15.06.2017 by the learned Judicial Magistrate First Class, Barshi, victim girl has narrated a different version than what has been stated in her statement recorded under Section 161 of the Code of Criminal Procedure. In her statement recorded under Section 164 of the Code of Criminal Procedure, the victim girl has exonerated the Applicant from the alleged offence punishable under Section 376 of the Indian Penal Code.

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

Hence the following Order:

(i) The Applicant be released on bail in CR No. 172 of 2017

registered with Vairag Police Station, Solapur on his furnishing PR bond of Rs.25,000/- 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 every Monday between 10.00 a.m. to 12.00 noon till filing of final report/chargesheet.

(iii) 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.

5. Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)