

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

BAIL APPLICATION NO. 2276 OF 2017

Mahesh Gulabrav Kewale

... **Applicant**

V/s.

The State of Maharashtra

... **Respondent**

Mr. Sachin Deokar for the Applicant.

Mr. S.H. Yadav, APP for the Respondent/State.

CORAM : A.S.GADKARI, J.

DATE : 10th NOVEMBER, 2017

P.C.:

. This is an application under Section 439 of Cr.P.C. for bail in C.R. No. 221 of 2016 dated 03.12.2016 registered with Junnar Police Station, District Pune under Sections 363, 366 and 376(2) read with Section 34 of the Indian Penal Code and Sections 4, 8, 12 of the Protection of Children from Sexual Offences Act.

2 It is the case of the prosecution that Applicant induced the victim girl to elope with him and as the victim girl was minor at that time, the provisions of the Protection of Children from Sexual Offences Act are applied to the present crime. That Applicant and the said victim girl were staying at Kolwadi, Taluka Niphad, District Nashik in a rented premises. After the father of victim girl lodged a complaint, the police reached to the said spot and arrested the Applicant on

09.02.2017. After completion of investigation, the police have submitted charge-sheet.

3 Perusal the charge-sheet. The victim girl in her statement before the police has admitted that she was having love affair with the Applicant and she eloped with him at her own will. She has further stated that she and Applicant were working at Taluka Niphad in an agricultural field. The landlord of the field in his statement stated that Applicant was residing at village Kolwadi. He has further stated that on 03.12.2016 a couple came to him seeking work/employment. That the girl (victim girl) was having religious thread (Mangalsutra) in her neck. The said couple informed him that they were married. That on 09.02.2017, the police came to the spot and arrested the Applicant. It prima facie appears that the victim girl had attained the age of understanding and discrimination on the date of offence and at her own will, she eloped with the Applicant. The Applicant is aged about 27 years and is in jail since 09.02.2017.

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

Hence, the following order:

a) The applicant be released on bail in C.R. No. 221 of 2016 dated 03.12.2016 registered with Junnar 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 jail, the applicant shall attend Junnar Police Station once in month i.e. on every first 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) The Applicant shall not tamper with the evidence and/or pressurize or threaten the prosecution witnesses.
- v) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)