

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

BAIL APPLICATION NO. 2286 OF 2017

Jalindar Nimba Shelkande

... **Applicant**

V/s.

The State of Maharashtra

... **Respondent**

Mr. P. G. Sarda i/b Sachin Zalte for the Applicant.

Mr. S.R. Agarkar, APP for the Respondent/State.

Mr. D.S. Khedkar, attached to Junnar Police station.

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. 15 of 2017 dated 20.01.2017 registered with Junnar Police Station, District Pune under Sections 363, 366 and 376(2) 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 the Applicant induced and abducted the victim girl, who was above the age of 16 years and below the age of 18 years on 17.01.2017 and took her to Chakan, District Pune. That the victim girl was in the company of the Applicant till 27.02.2017 and during the said period Applicant committed an offence as contemplated under Section 376 of the Indian Penal Code. That on 27.02.2017, the Applicant came to be arrested. After completion of investigation, the police have submitted charge-sheet.

The medical evidence on record indicates that the victim girl was more than 16 years of age, however less than 18 years of age and therefore, the prosecution has applied the provisions of the Protection of Children from Sexual Offences Act to the present crime.

4 The statement of victim girl clearly indicates that on 17.01.2017 on her own will she left her parents house at about 8.30 a.m. in the morning and joined the Applicant at Narayangaon. From Narayangaon, the Applicant and the victim girl went to Chakan, where they were staying together. That on 27.02.2017, when the Applicant and the victim girl had been to Pimpaleshwar Mandir for performing marriage, the police arrested them there. After perusing the record, 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.

5 In view thereof, the Applicant can be released on bail.

Hence, the following order:

a) The applicant be released on bail in C.R. No. 15 of 2017 dated 20.01.2017 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 not tamper with the evidence and/or pressurize or threaten the prosecution witnesses.

iv) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)