

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2327 OF 2017

Dattaraya Mahadeo Buttampalle ... Applicant

V/s.

The State of Maharashtra ... Respondent

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

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

Mr. V.V. Khedkar, Police Naik attached to Yerwada Police Station.

CORAM : A.S.GADKARI, J.

DATE : 02nd NOVEMBER, 2017

P.C.:

. This is an application under Section 439 of Cr.P.C. for bail in C.R. No. 348 of 2017 dated 22.04.2017 registered with Yerwada Police Station, District Pune under Sections 363, 366(A), 376, 212 of the Indian Penal Code and Section 5(L), 6 and 17 of the Protection of Children from Sexual Offences Act.

2 The victim is minor aged about 17 years and with a view to conceal her identity and in consonance with the provisions of Section 228-A of the IPC, the detailed narration of facts mentioned in the first information report and the statement of victim girl are hereby avoided.

3 The first information report is lodged by the father of victim girl alleging
that the Applicant abducted his minor daughter aged about 17 years. During the

course of investigation, the Applicant came to be arrested on 26.04.2017. After completion of investigation, the police have submitted charge-sheet.

4 The record indicates that though in her statement dated 26.04.2017, given to the police under Section 161 of Cr.P.C., the victim has stated that the Applicant on 21.04.2017 induced her to elope with him with a promise to marry and took her to Labour Camp, Dasmes Nagar, Deccan College Road, Pune and they were residing there upto 26.04.2017 i.e. till the date on which victim came to know about the lodging of complaint by her father with police. In her statement to the Medical Officer, while narrating the facts pertaining to sexual assault the victim has categorically stated that she was in love relationship with the Applicant for about 4 to 5 months prior to their elopement. The record indicates that the victim girl has attained the age of understanding and discrimination and had eloped with the Applicant at her own will. The Applicant is aged about 22 years and is in judicial custody since 26.04.2017.

5 After perusing the record, this Court is of the view that further incarceration of the Applicant is not necessary and he can be released on bail.

Hence, the following order:

i) The applicant be released on bail in C.R. No. 348 of 2017 dated 22.04.2017 registered with Yerwada Police Station, District Pune on his furnishing PR bond of Rs.15,000/- with one or two local sureties in the like amount.

- ii) The applicant shall also attend all dates before the Trial Court.
 - iii) The Applicant shall not tamper with the evidence and/or pressurize or threaten the prosecution witnesses.
- 6 Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)