

Dond

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

BAIL APPLICATION NO. 2382 OF 2017

Ganesh Rajaram Kadam

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Sharad Bhosale for Applicant.

Mr. S.S. Hulke, APP for the Respondent/State.

CORAM : A.S.GADKARI, J.

DATE : 8th NOVEMBER 2017

P.C.:

1] This is an application under Section 439 of Cr. P.C. for bail in CR No.219 of 2017 dated 19.5.2017 registered with Mangalweda Police Station District- Solapur under Sections 363, 366(A), 376 r/w 34 of the Indian Penal Code and under Sections 12 and 21 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act).

2] The first information report is lodged by Shri Sanjay Trimbak Pawar, father of victim girl who was below 18 years age as per first information report on the date of incident i.e. 22.5.2017. It is the prosecution case that, the accused No.1-Vaibhav Gaikwad kidnapped the

prosecutrix and committed sexual assault on her. During the course of investigation, it is revealed that the age of the victim girl was below 18 years and precisely 17 years and 3 months and therefore the provisions of POCSO Act are also applied to the present crime. During the course of investigation, the applicant came to be arrested on 17.8.2017 and since then he is in jail.

3] Perused the record of investigation. Prima facie, it appears that after accused No.1-Vaibhav allegedly kidnapped victim girl, and took shelter at the house of the applicant at Pune, inter alia, it is the allegation against the applicant that he has provided shelter to accused No.1-Vaibhav when the victim girl eloped with Vaibhav. Apart from the said allegation, there is no other overt-act attributed to the applicant. It is submitted that there are no antecedents at the discredit of the applicant.

4] In view of the above, this Court is of the view that further incarceration of the applicant is not necessary and the applicant can be released on bail.

Hence, the following Order:

(i) The applicant be released on bail in CR No.219 of 2017 registered with Mangalweda Police Station District- Solapur 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 the concerned Police Station on every Monday between 10.00 a.m. to 12.00 noon till filing of the chargesheet.

(iii) After his release from jail, the applicant shall all 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.)