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

BAIL APPLICATION NO. 2521 OF 2017

Aman Allabaksh Shaikh

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Satyavrat Joshi for Applicant.

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

CORAM : A.S.GADKARI, J.

DATE : 29th NOVEMBER 2017

P.C.:

1] This is an application under Section 439 of Cr. P.C. for bail in CR No. 96 of 2017 dated 19.2.2017 registered with Khadak Police Station District- Pune under Sections 363, 366(A), 376 506 34 of the Indian Penal Code and under Sections 3,4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act).

2] The victim girl is aged about sixteen and half years. With a view to protect the identity of the victim girl and in consonance with the provisions of Section 228(A) of the Indian Penal Code, detailed narration of facts mentioned in the first information report and in the statements of the

witnesses is hereby avoided.

3] The first information report is lodged by the mother of the victim girl alleging that on 18.2.2017 victim girl did not return from her college and some unknown person had abducted her. During the course of investigation, the applicant came to be arrested on 18.3.2017 and after completion of investigation, police have submitted chargesheet.

4] Perused the record of chargesheet.

The victim girl in her statement has stated that she was studying in 11th standard and was having love-affair with the applicant. The applicant lured her to accompany him and therefore she elope with him. That the applicant had promised her to marry. Applicant thereafter took her to his aunt's house at Hubli, State of Karnataka. They resided there for some time and thereafter returned to Pune and stayed there at applicant's aunt's house for some period. She has categorically stated that between period from 18.2.2017 to 17.3.2017 when she was in the company of the applicant, applicant did not keep physical relations with her, however, prior to it in the month of December 2016 and January 2017 the applicant had taken her to Bramha Lodge at Pune and had established physical relationship with her. The statement of the said lodge owner indicates that,

the applicant by giving his true and correct name and by producing his Aadhar Card for identity had took room in the said lodge. That victim girl used to accompany with the applicant and he observed that there was beed-thread (Mangalsutra) in her neck. Bid-thread

Prima facie, it appears that, the victim girl had attained the age of understanding and discrimination and at her own will accompanied the applicant. It is submitted that there are no antecedents at the discredit of applicant.

5] 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. 96 of 2017 registered with Khadak Police Station, Pune 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 jail, the applicant shall attend the concerned Police Station on every 1st Monday of the month between 10.00 a.m. To 1.00 p.m

(iii) After his release from jail, the applicant shall attend all the dates before Trial Court

(iv) Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

6] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)