

Anand

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

BAIL APPLICATION NO. 2540 OF 2017

Saurabh Swapnil Surve

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr. R. Bhatkar, Advocate, for the Applicant

Mr. A. S. Patil, APP, for the Respondent – State

CORAM : A.S.GADKARI, J.

DATE : 23.11.2017

P.C.

. This is an Application under Section 439 of Cr. P.C. for bail in CR No. 53 of 2017 registered with Purnagad Sagari Police Station under Sections 363, 376(2)(j)(n) of the Indian Penal Code and under Sections 3, 4, 5(1), 6 of the Protection of Children from Sexual Offences Act (for short 'POCSO' Act).

2. It is the case of prosecution that the Applicant induced, lured and thereafter, abducted the victim girl, who was aged about 17 years and 5 months on the date of incident i. e. 06.07.2017. As the victim girl is below the age of 18 years, the provisions of POCSO Act are applied to the present crime. The first information report is lodged by Shri Milind Surve, the father of victim girl. During the course of

investigation, the Applicant came to be arrested on 06.07.2017 and after completion of investigation, police have submitted charge-sheet.

3. Perused the record.

The victim girl in her statement dated 06.07.2017 has stated that she was having a love affair with the Applicant since last one and half years and as her mother used to take suspicion on her, she left the house of her parents at her own will, joined the company of Applicant and thereafter, came to Mumbai. That when she contacted her aunt on mobile, her aunt directed her to come/attend Purnagad Sagari Police Station. Accordingly, she alongwith the Applicant went to the said police station where the Applicant came to be arrested on the allegations of commission of the afore stated offences. The victim girl in her statement has categorically stated that the Applicant did not indulge into physical relationship with her during the said period. After perusing the statement of victim girl and the documents annexed to the Application, prima facie, it appears that the victim girl had attained the age of understanding and discrimination and at her own will, she joined the company of Applicant. The Applicant is aged 20 years. It is submitted that there are no antecedents at the discredit of the Applicant.

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

Hence, the following Order:

- (i) The Applicant be released on bail in CR No. 53 of 2017 registered with Purnagad Sagari Police Station on his furnishing PR bond of Rs.15,000/- with one or two solvent local sureties in the like amount;
 - (ii) Applicant shall also attend all the dates before the trial Court;
 - (iii) 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.)