

Dond

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

BAIL APPLICATION NO. 2557 OF 2017

Tanaji Pandharinath Gaikwad

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Sharad Bhosale for Applicant.

Ms. S.S. Kaushik, APP for the Respondent/State.

Mr. S.G. Dalvi, P.S.I., Mangalweda Police Station District- Solapur present.

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.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 the role assigned to the applicant in the present crime is that, he carried accused No.1-Vaibhav alongwith victim girl upto a certain distance on his motorcycle and helped accused No.1-Vaibhav to elope with the victim girl. 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.)