

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

BAIL APPLICATION NO.2498 OF 2016

Rakesh Gokul Patil

.... Applicant

versus

State of Maharashtra

... Respondent

Mr.Adwait Bhonde, Advocate for the Applicant.

Mrs.N.S. Jain, APP for the State/Respondent.

CORAM : MRS.MRIDULA BHATKAR, J.

DATE : 06th JANUARY,2017.

P.C. :

1. This application for bail is moved by the applicant/accused who is facing charge u/s 363 and 376 of IPC in C.R. No.61/16 of Alephata Police Station, Sinner, Nasik. One Mukeshkumar Tejnarayan Singh, the father of the victim girl, is the complainant. He was informed by his relative that is daughter Kusum, who was 17 years old, was in love with the applicant/accused, which he disapproved. On 09/06/2016 he took his daughter for the admission of 11th standard to Pune. At that time at Bus Station near Alephata they got down for food and when he went away the girl disappeared and was not found.

Therefore he lodged complaint of missing of his daughter to Alephata Police Station. Initially offence was registered for kidnapping. Thereafter, subsequently the victim was found on 12/06/2016 midnight at Thane Railway station by police and thereafter she was taken to her father's house. As per her statement they both had sexual relations and therefore section 376 of IPC was added. The applicant/accused was arrested on the same day and he is in prison since 13/06/2016.

2. The learned counsel for the applicant/accused has submitted that the applicant/accused is innocent. He has not committed any offence of kidnapping or rape. He has submitted that at the time of incident the victim girl was 17 years old and she herself eloped with the applicant/accused. The applicant/accused did not intend to cheat her or take her advantage. He submitted that applicant/accused at the time of incident was 20 years old. He is staying with his parents and he is from a poor family.

3. The learned prosecutor opposed the application and has submitted that the applicant/accused is facing charge of

kidnapping and rape and therefore not to be released.

4. Perused the FIR, the statement of the father of victim and so also her birth certificate. The date of birth of victim is 02/06/1999. The incident occurred on 09/06/2016. Hence at the time of incident the girl was 17 years old. So she was that mature to understand consequence of actions taken by her. It appears from the statement of the girl that she and the applicant/accused were in love with each other and the girl herself ran away with the boy. They stayed together for two day and then she was brought back to her parents by police. The applicant/accused was 20 years old at the time of incident and is in the prison since last six months. In view of the fact, I am inclined to allow application on the following terms and conditions:

ORDER

- (i) Application is allowed.
- (ii) The applicant/accused be enlarged on bail on furnishing P.R. Bond in a sum of Rs.15,000/- with one or two sureties in the like amount.

- (iii) The applicant shall not contact, threaten or harass the complainant and the victim girl in any manner.
- (iv) The applicant shall attend all the Court dates.
- (v) The applicant shall not abscond or leave India without prior permission of the Court and furnish his permanent address to the Investigating Officer alongwith documentary proof of his address.
- (vi) In the event of breach of any of the above conditions, the prosecution will be at liberty to move the Court for cancellation of bail.

5. The application stands disposed of on above terms.

(MRIDULA BHATKAR, J.)