

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

CRIMINAL BAIL APPLICATION NO. 1795 OF 2018

Sagar Gopal Vitkar.

..Applicant.

V/s.

The State of Maharashtra.

..Respondent.

Mr. Ritesh Thobde, advocate for applicant.

Mr. Rajan Salvi, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : AUGUST 14, 2018.

P. C. :

1 Heard the learned Counsel for the applicant and the learned APP for the State.

2 This is an application under section 439 of the Code of Criminal Procedure, 1973. The applicant herein is arrested on 28/3/2018 in Crime No. 169 of 2018 registered at Faujdar Chawadi Police Station. Investigation is completed and charge-sheet is filed for offence punishable under section 363, 376 of the Indian Penal Code and section 4, 8, 12 of the Protection of Children from Sexual Offences Act.

Talwalkar

3 It is the case of the prosecution that on 13/3/2018 Sunita Londhe lodged a report at the police station alleging therein that her daughter has been kidnapped by some unknown person. That on 25/3/2018 the applicant and the victim were apprehended from Humnabad. The applicant was arrested on 28/3/2018. The charge-sheet is filed on 3/6/2018.

4 The statement of the victim was recorded on 28/3/2018 and she had disclosed to the police that her mother is working in Dental College, Kegaon. That she was studying in 12th standard. She was acquainted with the present applicant. On 12/3/2018 she had trifling quarrel with her mother and therefore, she had left the house. She had met the present applicant who had rescued her. According to the victim, the applicant had expressed his love for her and therefore, they had left the house. They stayed in a temple on 12/3/2018 and on 13/3/2018, the applicant had taken her to Umargaon, where he got married to her in a temple. Thereafter, both of them were staying with his paternal aunt. The applicant had secured a job for himself. On 25/3/2018, they had left Umargaon and had been to Humnabad and he was working on the godown at Humnabad. They were apprehended. The victim was sent for medical examination. She had disclosed to the doctor that she knew the applicant since 2 years. She stayed with the applicant for 15 days. They had sexual intercourse on multiple occasions.

Talwalkar

5 The date of birth of the victim is 27/9/2000. The incident is dated 12/3/2018. She was more than 17 years old and had attained the age of understanding. In view of this, the applicant deserves to be enlarged on bail.

6 The observations are prima facie in nature and restricted to the application under section 439 of the Code of Criminal Procedure, 1973. The same shall not be considered for discharge application or at the time of trial.

7 Hence, following order is passed :

ORDER

- (i) The application is allowed.
- (ii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 20,000/-with one or more solvent sureties in the like amount.
- (iii) The applicant shall not tamper with the evidence.

7 The application is disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]