

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

BAIL APPLICATION NO. 2299 OF 2018

Ajay Raghunath Chavan

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Yogiraj B. Purwant i/b. Mr. V.V.Purwant for the Applicant.
Mr. S.R.Agarkar for the Respondent/State.

CORAM : ANUJA PRABHUDESSAI,J.

DATED : SEPTEMBER 07, 2018.

P.C.

1. The applicant, who is facing trial in Sessions Case No. 75 of 2018, has filed the present bail application under Section 439 of Cr.P.C. The applicant was arrested in C.R.No. 490 of 2017 registered with Jail Road Police Station, Solapur, for the offences under Section 363, 366, 376 r/w. 34 of IPC and Section 4 of the POCSO Act.

2. Heard Mr. Purwant, the learned Counsel for the applicant and Shri Agarkar, the learned APP for the State. Perused the records.

3. The father of the victim had lodged a report on 5th December,

2017 alleging that his daughter who was 17 years of age had gone missing from the house on 4.12.2017 at about 11.00 p.m. He had also noticed that sum of Rs.1,02,000/-, some gold ornaments and cell phone were missing from his house. He had therefore lodged the FIR against an unknown person for kidnapping his daughter. The first informant also gave a supplementary statement that the applicant, who is the son of his employee, had also gone missing during the same time. He therefore suspected that the applicant was involved in the said crime.

4. In the course of investigation, the victim girl and the applicant were traced, and the applicant was placed under arrest on 11th December, 2017. The statement of the victim girl has been recorded. Her statement prima facie reveals that the applicant was known to her and that she was in love with him. The statement of the victim girl further reveals that as her father had fixed her marriage against her wishes, she had decided to elope with the applicant, and accordingly she took some money from the house and left with the applicant. They first came to Mumbai, and then proceeded to Surat and got married in a temple at Surat.

5. Considering the fact that the victim was on the verge of attaining majority and that she had voluntarily left the house in view of her relations with the applicant, in my considered view, the case would not justify further detention of the applicant. Hence, the application is allowed on following terms and conditions:-

- (i) The applicant who is arrested in Crime No. 490 of 2017 registered with Jail Road Police Station, Solapur, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) with one or two solvent sureties in the like amount, to the satisfaction of the learned Addl. Sessions Judge, Solapur.
- (ii) The applicant shall report to the concerned police station on the first Monday of every month until further orders.
- (iii) The applicant shall provide his permanent as well as temporary address, if any, and his contact details to the Investigating Officer and in the bail bond.
- (iv) The applicant shall not change his residential address without prior intimation to the Investigation Officer.

(ANUJA PRABHUDESSAI, J.)