

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

CRIMINAL BAIL APPLICATION NO. 218 OF 2018

Sangram Mahadev Veer.	... Applicant.
Versus	
The State of Maharashtra.	... Respondent.

Mr. Anand Shivaji Patil, advocate for Applicant.

Mrs. P.P. Shinde, APP for State.

Mr. Bharat Patil, PSI, Karveer Police Station, Kolhapur.

**CORAM : SMT.SADHANA S. JADHAV,J
DATE : JANUARY 30, 2018**

P.C.:

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

2 This is an application under section 439 of the Code of Criminal Procedure, 1973. The applicant herein is arrested on 24/9/2017 in Crime No. 387 of 2017 registered at Karveer Police Station initially for offence punishable under section 363 of the Indian Penal Code. However, subsequently, section 366A, 376 of the Indian Penal Code

has been added alongwith Section 3(C), 8, 11(4) read with section 12 of the Protection of Children from Sexual Offences Act, 2012.

3 It is the case of the prosecution that on 22/9/2017 Ramchandra Patil lodged a report at the police station alleging therein that his daughter Ms. X aged about 15 years was studying in 9th standard. On 28/9/2017 she had left the house for attending school. However, she did not return from school. Upon enquiry the first informant had learnt from Ankush Patil that Sangram Veer used to tease Ms. X and that Sangram is also not traceable for last 2 days. Hence, the first informant expressed his suspicion that his daughter has been abducted by Sangram Veer. On the basis of the same, Crime No. 387 of 2017 is registered for offence punishable under section 363 of the Indian Penal Code.

4 Ms. X was found in the company of the present applicant in the house of his cousin at Kupalewadi, Taluka Radhanagari, District-Kolhapur. Statement of Ms. X was recorded on 27/9/2017. She had

disclosed to the police that on 19/9/2017 she had called upon the present applicant and informed him that her family members have learnt about their love affair and hence, they are troubling her. She had asked the present applicant to take her away from home and get married. On 20/9/2017 she left house in the company of the present applicant and had stayed in the house of cousin sister of the present applicant. They had decided to get married. According to her, the applicant had attempted to ravish her and she had raised hue and cry upon which he had released her. The applicant had demanded sexual favours from the victim on the ground that they were going to get married.

5 Prima facie it appears that there was love affair between the applicant and the victim, hence the victim had left her house voluntarily. Investigation is completed and charge-sheet is filed. Taking into consideration the statement of the victim, this Court is of the opinion that the applicant deserves to be enlarged on bail.

6 However, the observations made hereinabove are restricted to the application under section 439 of the Code of Criminal Procedure, 1973 and the same shall not be taken into consideration while decided application for quashing of FIR or discharge application or at the time of trial by the trial court.

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. 50,000/- and one or more solvent sureties in the like amount.
 - (iii) The applicant shall not reside in village Dhanwade till conclusion of the trial.
 - (iv) The applicant shall not tamper with the evidence.
- 8 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)