

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 668 OF 2018**

Atul Veersingh Sissodiya

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Sandeep Mishra for the Applicant

Mr. S. S. Hulke, A.P.P for the Respondent-State

PI Mr. Sachin S. Ambre from Vartak Nagar Police Station, Thane City is present

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 2nd MAY, 2018

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. I-273 of 2017 registered with the Vartak Nagar Police Station, Thane, for the alleged offences punishable under Sections 354(d) and 34 of the Indian Penal Code and under Sections 8 and 12 of the Protection of Children from Sexual Offences Act.

3. Perused the charge-sheet, in particular, the statement of the victim girl, aged 17 years. At the outset, it is pertinent to note, that the statement under Section 161 of the victim girl is contrary to her statement recorded under Section 164 of the Cr.P.C. Although the victim girl in her 161 statement has stated that she met the applicant through her friend in 2014; that thereafter, the applicant met her on a couple of occasions and that the applicant professed his love for her and took her to different gardens/parks and had touched her, the said statement is contrary to her 164 statement. In the 164 statement, the victim girl has stated that she had left her house on her own accord; that the applicant had told her that till she attained the age of majority, he could not get married to her, however, she insisted that the applicant get married to her. She has further in her 164 statement stated that her family would assault and threaten her and were forcing her to get married to someone else, pursuant to which she ran away from the house and went to the applicant's house and with the applicant's family went to Madhya Pradesh and that on her insistence, the applicant got married to her in a temple. She has further stated that the applicant's entire family was present, however, the applicant had stated that till the victim's

family did not accept both of them, he would not have any physical relations with her.

4. The applicant is aged 21 years. Investigation is complete and charge-sheet is filed. Having regard to the peculiar facts and circumstances of the case, the application is allowed and the applicant is enlarged on bail on the following terms and conditions :

ORDER

(i) The applicant be released on cash bail in the sum of Rs. 25,000/-, for a period of six weeks;

(ii) The applicant shall furnish PR Bond in the sum of Rs. 25,000/-, with one or more sureties in the like amount, within a period of six weeks of his release on cash bail;

(iii) The applicant to cooperate with the conduct of the trial.

5. The application is accordingly disposed of.

6. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.
7. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.