

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

BAIL APPLICATION NO.1613 OF 2018

Mr. Sunil Krishna Jadhav

... **Applicant**

V/s.

The State of Maharashtra

... **Respondent**

Mr. Arun Rajput i/b. Anjali Patil for the Applicant.

Mr. Amit Palkar, APP for the Respondent State.

CORAM : A.S.GADKARI, J.

DATE : 30th JULY 2018

P.C.:

1. This is an application under Section 439 of the Cr.P.C. for bail in C.R.No.17 of 2016 dated 15.01.2016 registered with Mankhurd Police Station, Mumbai under Sections 363, 376 of the Indian Penal Code r/w. Sections 4 and 8 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act).
2. Heard the learned counsel for the applicant and the learned APP. Perused the charge-sheet.
3. The prosecutrix was aged about 16½ years on the date of lodgment of the present crime and with a view to protect her identity

and in consonance with the provisions of Section 228(A) of the Indian Penal Code and Section 33(7) of the POCSO Act the detailed narration of facts mentioned in the first information report, statement of prosecutrix and other relevant statements is hereby avoided.

4. The First Information Report dated 15.01.2016 was lodged by the mother of prosecutrix under Section 363 of the Indian Penal Code initially against an unknown person.

It is the case of the prosecution that, the applicant under the pretext of performing marriage, abducted the prosecutrix and took her at various places at Mumbai and Navi Mumbai and cohabited with her at his friends/relatives place for a period of about 1½ months i.e. from 15.01.2016 to 26.02.2016. The applicant was given in the custody of the police by his sister-in-law on 27.02.2016 and thereafter the applicant came to be arrested on the same day and after completion of investigation, the police have submitted charge-sheet.

5. A perusal of first information report and the statements of witnesses would indicate that, after the alleged abduction of the prosecutrix by the applicant, he took her at various places of his

friends and relatives under the pretext of performing marriage. He also told the concerned witnesses that, he will be performing marriage with the prosecutrix. When the sister-in-law of the applicant informed him that, the prosecutrix was below the age of 18 years and the said marriage is not possible, the said sister-in-law took the applicant and prosecutrix at Sanpada Railway Station and thereafter, the police apprehended the applicant.

6. A perusal of statement of the prosecutrix and other witnesses would indicate that, on the date of lodgment of the crime, the prosecutrix had attained the age of discrimination and understanding and at her own free-will, she left the premises of her parents and accompanied the applicant.

7. As noted earlier, the applicant is arrested on 27.02.2016 and since then he is in jail. The investigation of the present crime is completed and the police have already submitted charge-sheet. No fruitful purpose will be served by further keeping the applicant in incarceration.

8. In view thereof, the applicant can be released on bail.

Hence, the following order.

a) The applicant be released on bail in C.R.No.17 of 2016 dated

15.01.2016 registered with Mankhurd Police Station, Mumbai on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

b) After his release from Jail, the applicant shall attend the Mankhurd Police Station, Mumbai on every first Monday of the month between 11.00 a.m. to 1.00 p.m. till conclusion of trial.

c) The applicant shall attend all the dates before the Trial Court unless precluded by medical reasons.

d) The applicant shall not tamper with the evidence and/or pressurize the prosecution witnesses.

9. Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)