

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

BAIL APPLICATION NO. 1738 OF 2018

Ranjeet Banarasilal Kanojia	... Applicant
Vs.	
State of Maharashtra	... Respondent

...

Mr. Sunny A. Waskar for the applicant.
Mrs. G.P. Mulekar, APP for the Respondent-State.

...
CORAM : PRAKASH D. NAIK, J.
DATE : 11th SEPTEMBER, 2018.

P.C.

1. This is an application for bail in C.R. No. 16 of 2018 registered with Charkop Police Station for offences punishable under Sections 363, 376, 376(2) of Indian Penal Code read with Sections 6 and 10 of the Protection of Children from Sexual Offence Act, 2012.

2. The case of the prosecution is that applicant eloped with victim girl aged about 16 years. It is alleged that after spending few hours at Pune, the applicant and the victim left for Kolhapur, upon reaching Kolhapur on 15th January, 2018, the applicant introduced the victim as wife to Suhas Shinde and stayed there as husband and wife and thereafter the applicant requested friend

Suhas to arrange for an accommodation and accordingly an accommodation was arranged in Sangli where the applicant and the victim resided as husband and wife till they were traced by the police. It is alleged that applicant has committed forceful intercourse with the complainant.

3. Applicant was arrested on 29th January, 2018. Investigation is completed and the chargesheet has been filed. Contention of the applicant is that victim herself came to meet the applicant and they both went at various places like Pune, Kolhapur and Sangli and they resided together as husband and wife. It is submitted that applicant has no occasion to believe that the victim was minor at the time of incident. The victim stated her age as 16 years in the First Information Report. It is submitted that circumstance on record indicate that there was affair between the victim and the applicant. It is further submitted that the applicant is willing to file an affidavit in this proceeding stating that he would marry the victim girl as and when she attains the age of majority. The learned advocate for applicant has tendered affidavit signed by the applicant/accused.

4. Learned APP submits that victim was aged about 15 years at the time of incident. Assuming that victim girl has consented for

the act, her consent is immaterial since she was minor. The school leaving certificate determines the birth date of the victim as 20th August, 2002, which would mean that she was aged about 15 years at the time of incident. It is submitted that applicant has committed serious offence under Section 376 of Indian Penal Code.

5. I have perused the First Information Report and the other documents. The medical report at page 59 and 61 of this paper book does not indicate that there was any injury to the victim girl. The document also indicate that possibility of sexual intercourse could not be explained on account of time lag more than five days. Admittedly, the applicant and the victim girl had visited several places Pune, Kolhapur, Sangli and resided there as husband and wife.

6. Taking into consideration and aforesaid circumstances and also considering that the applicant is in custody since date of arrest, further detention of the applicant is not necessary.

ORDER

- i) Criminal Bail Application No. 1738 of 2018 is allowed;
- ii) The applicant is directed to be released on bail in connection with C.R. No. 16 of 2018 registered with Charkop Police Station

on furnishing P.R. Bond of Rs.20,000/- (Rs. Twenty Thousand only) with one or more sureties in the like amount;

iii) The applicant shall attend Charkop Police Station twice in a month on second and fourth Saturday between 10 a.m. to 12 noon till further order;

iv) The applicant shall stay away from the complainant;

v) The applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

vi) The application stands disposed off.

Sachidanand
Kuttan Nair

Digitally signed
by Sachidanand
Kuttan Nair
Date:
2018.09.12
17:48:43 +0530

(PRAKASH D. NAIK, J.)