

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

BAIL APPLICATION NO. 1816 OF 2018

Yogesh D. Verma

... Applicant

Vs.

State of Maharashtra

... Respondent

...

Mr. S.L. Jondhale a/w Mr. A.S. Jondhale & Y.A. Jondhale I/by
Jondhale & Co. for the applicant.

Ms. A.A. Takalkar, APP for the Respondent-State.

Mr. Ravindra Thakare, PSI, Antophile Police Station is present

...

CORAM : PRAKASH D. NAIK, J.

DATE : 3rd OCTOBER, 2018.

P.C.

1. This is an application for bail in connection with C.R. No. 83 of 2017 registered with RCF Police Station for the offences punishable under Sections 363, 376 of Indian Penal Code read with Sections 4, 8 of POCSO Act.

2. The case of the prosecution is that informant had lodged the report with RCF Police Station that on 2nd April, 2017 her daughter aged about 15 years was missing from 9.30 a.m. Initially, the offence was registered under Section 363 of Indian Penal Code. During investigation, the victim and the accused were found together in one lodge at Hajimalang on 4th May, 2017.

3. Contention of the applicant is that there was an affair

between the applicant and the victim. She left the house of her own choice and joined the applicant. Although, the victim was minor at the time of incident, she had consented to be with the applicant-accused.

4. Learned counsel for the applicant submitted that initially he was arrested on 4th May, 2017 and bail was granted on 22nd June, 2017. Subsequently, his bail was cancelled and he has been taken into custody. Learned counsel for the applicant tendered undertaking of the applicant, which was affirmed before the jail authorities on 29th September, 2018. In the said undertaking, it is stated that after release from the jail, he will not meet the victim girl in future. He would not enter the area where the victim resides i.e RCF Police Station and Wadala T.T. Police Station. It is also stated that he would diligently attend the proceedings before the trial Court. The said undertaking is taken on record and marked "X" for identification.

5. Learned APP submitted that victim girl was minor at the time of incident. Applicant was charged for the offence punishable under Section 376 of Indian Penal Code. Considering the role attributed to the applicant, bail may not be granted.

6. Having heard submission of both sides. I have gone through

the documents on record. It is a prosecution case that the victim was missing from the house of the complainant and complaint was lodged on 2nd April, 2017. The victim girl and the applicant were found together in a lodge at Hajimalang. Applicant was arrested. Initially, he was granted bail, however, he was arrested in another case and continued to be in custody.

7. Considering the nature of the allegations, factual aspects as stated above and also considering the undertaking filed by the applicant before this Court, the case for grant of bail is made out. Hence, I pass the following order.

ORDER

- i. Criminal Bail Application is allowed.
- ii. The applicant is directed to be released on bail in connection with C.R. No. 83 of 2017 registered with RCF Police Station on furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount;
- iii. The applicant is permitted to furnish cash security in the sum of Rs.25,000/- for a period of six weeks;
- iv. The applicant shall not enter into the jurisdiction of RCF Police Station and Wadala T.T. Police Station;
- v. The applicant shall not contact the victim girl.

- vi. The applicant shall provide his residential address to the Investigating Officer after his release from custody and shall report to the nearest police station once in a month on Monday between 10 a.m. to 12 noon till further order.
- vii. Criminal Bail Application stands disposed off.

(PRAKASH D. NAIK, J.)

Sachidanand
Kuttan Nair

Digitally signed
by Sachidanand
Kuttan Nair
Date:
2018.10.08
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