

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

CRIMINAL BAIL APPLICATION NO. 1891 OF 2018

Akash Raju Khade

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Ritesh Thobde for the Applicant.

Ms. J.S.Lohokare, APP for the Respondent/State.

Mr. M.S. Bembade, PSI, Jail Road Police Station, Solapur, present.

CORAM : ANUJA PRABHUDESSAI,J.

DATED : SEPTEMBER 07, 2018.

P.C.

1. This is an application for bail filed under Section 439 Cr.P.C. by the applicant above named who is facing trial in Sessions Case No.116 of 2018. The applicant has been arrested in Crime No. 112 of 2018 registered with Jail Road Police Station, Solapur for the offences under Section 363, 376(n) of IPC and Section 4, 8, 12 of the Protection of Children from Sexual Offence Act.

2. Mr. Thobde, the learned Counsel for the applicant submits that the victim was about 17 years of age. The material on record shows

that the victim was friendly with the applicant. It is submitted that the applicant is in custody since 9th March, 2018 and that since the investigation is completed, the presence of the applicant is no longer required in custody.

3. The learned APP submits that the victim is a minor girl. She further submits that the material on record prima facie reveals that the applicant had sexual relationship with the minor. She contends that the offence being of serious nature, the applicant is not entitled for bail.

4. I have perused the records and considered the submissions advanced by the learned Counsels for the respective parties. The records prima facie reveal that the aforesaid crime was registered pursuant to the FIR lodged by the mother of the victim. The victim girl had gone missing from the house on 23rd February, 2018. The first informant suspected that the applicant herein had enticed the victim girl to accompany him, hence she lodged the FIR against the applicant. On the basis of the FIR, offence under Section 363 IPC was registered against the applicant. Subsequently, the applicant and the victim girl were traced at Diva, Thane. The statement of the

victim was recorded. Her statement prima facie indicates that the applicant had sexual relationship with her. Hence on the basis of the said statement offence under Section 376(n) and under provisions of POCSO Act were added.

5. The victim was 17 years of age and was on the verge of attaining majority. Her statement prima facie reveals that she was friendly with the applicant. When this fact came to the knowledge of her family members, they had a meeting, after which she was instructed not to meet the applicant. The statement of the victim shows that even after the said meeting, she had met the applicant and that they had indulged in sexual relationship. The statement of the victim further reveals that she had left the house and had voluntarily accompanied the applicant and stayed with him for almost a period of 15 days.

6. The investigation is complete in all aspects. The applicant is in custody since 9th march, 2018. He is a young boy of 22 years of age. He is a permanent resident of Solapur, and there are no chances of his absconding or thwarting the course of justice. Hence, in my considered view, this is a fit case for enlarging the applicant on bail.

Hence the following order:-

- (i) The application is allowed.
- (ii) The applicant who is facing trial in Sessions Case No.116 of 2018 pending before the Addl. Sessions Judge, Solapur, arising out of Crime No. 112 of 2018 registered with Jail Road Police Station, Solapur, is ordered to be released on bail on the applicant furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two solvent sureties in the like amount, to the satisfaction of the learned Addl. Sessions Judge, Solapur.
- (ii) The applicant shall not interfere with the complainant and the other witnesses in any manner.
- (ii) The applicant to provide his permanent as well as temporary address, if any, and his contact details to the Investigating Officer and in the bail bond.
- (iv) The applicant shall not change his residential address without prior intimation to the Investigation Officer.

(ANUJA PRABHUDESSAI, J.)