

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

BAIL APPLICATION No. 2294 of 2018.

Akshay Sanjay Shinde

..Applicant.

Vs

State of Maharashtra

..Respondent.

Mr. Adwait Bhonde a/with Parth Shah h/f Ameya Dange for the applicant.

Mr. S.S. Pednekar, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATE : 19TH SEPTEMBER, 2018

P.C:-

(1) This is an application under Section 439 of Criminal Procedure Code for bail filed by the aforesaid applicant, who is facing trial in Spl. Child Protection Case No. 518 of 2017 pending on the file of learned Additional Sessions Judge, at Pune. The said case arises from C.R.No. 259 of 2017 registered at Dattawadi Police Station, for offence punishable under Sections 363, 376 (2) of Indian Penal Code and under Sections 4, 8 and 12 of the Protection of Child from Sexual Offences Act, 2012.

(2) Heard Mr. Adwait Bhonde, learned counsel for the applicant and Mr Pednekar, learned APP for the State. Perused the records and considered the submissions advanced by the learned Counsels for the respective parties.

(3) The aforesaid crime was registered pursuant to the first information report lodged by the mother of the prosecutrix. The first informant had alleged that on 7th August, 2017 her minor daughter had left the house to purchase Rakhi and that she had not returned thereafter. The first informant had therefore lodged a report against an unknown person for kidnapping her daughter. In the course of investigation, the victim was found in the house of the applicant. The statement of the victim was recorded. Her statement prima facie reveals that the applicant was known to her. She had stayed with the applicant for a period of eight days. The material on record prima facie indicates that at the time of incident, the victim was 17 years and 10 months of age and was almost on the verge of attaining majority. The material on record indicates that she had left the house on her own.

(4) Considering the above facts and circumstances and also considering that the applicant is in custody since 1st September, 2017 and that the investigation is already completed, charge-sheet is filed and the case is committed to the Court of Session, I am of the considered view that this is a fit case for grant of bail. Hence, the following order:-

- (i) Application is allowed.
 - (ii) The applicant be released on bail in Special Child Protection Case No. 518 of 2018 pending on the file of learned Additional Sessions Judge, at Pune on his furnishing bail bonds of Rs. 25, 000/- with one or two sureties in the like amount to the satisfaction of the learned Additional Sessions Judge, Pune.
 - (iii) The applicant shall report to the Investigating Officer on first Monday of every month till conclusion of the trial.
 - (iv) The applicant shall furnish his permanent and temporary address, if any, and his contact details to the Investigation Officer as well as to the Trial Court.
 - (v) The applicant shall not change his residential address without prior intimation to the Trial Court.
 - (vi) The applicant shall not interfere with the complainant/first informant, other witnesses and shall not tamper with the evidence in any manner.
- (5) Application stands disposed of in the above terms.