

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****BAIL APPLICATION NO. 2376 OF 2018**

Suraj Mohan Dhadambe

....Applicant.

Vs.

The State of Maharashtra

....Respondent.

Mr. R.R. Parmane for the Applicant.

Mr. N.B. Patil APP, for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE :24th NOVEMBER, 2018.

P.C.:-

This is an Application under Section 439 of the Code of Criminal Procedure for bail in CR No. 273 of 2016 dated 14th December, 2016 registered with Dahiwadi Police Station, District Satara under Sections 363, 376(1) of the Indian Penal Code and Sections 3, 4, 7 and 8 of the Protection of Children from Sexual Offences Act, 2012 (the POCSO Act).

2 Heard the learned counsel appearing for the Applicant and the learned APP. Perused the charge-sheet.

3 The first information report is lodged by Shri. Hanmant Jadhav, father of the prosecutrix.

It is the prosecution case in brief that, the Applicant lured and induced the daughter of the first informant to leave her parents house and to accompany him. The Applicant abducted the victim on 13th December 2017 and thereafter took her at various places and has committed forcible sexual intercourse with her. As the victim girl was aged about 17 years, the provisions of POCSO Act are applied to the present crime.

During the course of the investigation, the Applicant came to be arrested on 25th January, 2017 and after completion of investigation, police have submitted charge sheet.

4 A perusal of statement of the prosecutrix would indicate that, there was an affair between the Applicant and her and the prosecutrix at her own sweet-will left the house of her parents and joined the company of the Applicant. The prosecutrix was taking education in 12th Standard, on 13th December 2017. After leaving the premises of her parents, she was residing with the Applicant for a period of more than one month at different places either in the District of Satara or Pune.

5 It further appears that, on 24th January, 2017 there was a quarrel between the Applicant and the prosecutrix and thereafter, the

Applicant himself gave a call to Hinjewadi Police Station, Pune and subsequently the police accosted the Applicant on 25th January 2017, at about 2.30 a.m.

6 The statement of the prosecutrix would *prima facie* indicates that, she had attained the age of understanding and discrimination on the date of alleged abduction by the Applicant, and the prosecutrix joined the company of the Applicant by leaving her parents house. It further *prima facie* appears that, the Applicant at her own sweet-will left the premises of her parents and joined the company of the Applicant.

7 The Applicant is in jail since 25th January 2017, and the investigation of the present crime has already been completed by the police. No fruitful purpose will be served by further keeping the Applicant in incarceration, I am, therefore, inclined to release the Applicant on bail.

Hence, the following order.

- a) The Applicant be released on bail in CR No. 273 of 2016 dated 14th December, 2016 registered with Dahiwadi Police Station, District Satara on his furnishing PR bond of Rs.15,000/- with one or two

local sureties in the like amount.

- b) After his release from Jail, the Applicant shall attend the Dahiwadi Police Station, District Satara, on every first Monday of the month between 10.00 a.m. and 12.00 noon, till the conclusion of the Trial.
- c) The Applicant shall not tamper with the evidence and/or pressurize the prosecution witnesses.

8 Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)