

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

ANTICIPATORY BAIL APPLICATION NO. 2048 OF 2018

Sanjay Somnath Khomane

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Rahul Kate for the Applicant.

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

CORAM : ANUJA PRABHUDESSAI,J.

DATED : OCTOBER 24, 2018.

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid applicant apprehending his arrest in C.R.No.150 of 2017 registered with Baramati Taluka Police Station for offences under Section 363, 366 of IPC and Section 8, 12 of Protection of Children from Sexual Offences (POCSO) Act, 2012.

2. Heard Mr. Kate, the learned Counsel for the applicant and Ms. Lohokare, the learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties .

3. The aforesaid crime was registered pursuant to the FIR lodged by the father of the victim girl. A perusal of the FIR prima facie reveals that the victim girl had left the house on 19th March, 2017 and had not returned home. The first informant had learnt that she had gone alongwith the applicant herein. He had therefore lodged the FIR against the present applicant for kidnapping his minor daughter.

4. Shri Kate, the learned Counsel for the applicant submits that the applicant and the victim girl have now attained age of majority and that they are married. He has further submitted that pursuant to the order dated 5th October, 2018, the victim as well as the applicant had appeared before the Investigating Officer and had narrated the said fact. The learned APP submits that the statement of the victim has been recorded. The learned APP further states that the Investigating Officer has confirmed the fact that the applicant and the prosecutrix are now married.

5. Considering the above facts and circumstances, in my considered view, no fruitful purpose would be served by detaining the applicant in custody. Hence, the application is allowed on the

following terms and conditions.

- (i) In the event of arrest of the applicant in Crime No.150 of 2017 registered with Baramati Taluka Police Station, the applicant be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) with one or two solvent sureties in the like amount;
- (ii) The applicant shall report to the Investigating Officer as and when required by the Investigating Officer for the purpose of investigation and interrogation.
- (iii) The applicant shall provide his permanent as well as temporary address, if any, and his contact details to the Investigating Officer.
- (iv) The applicant shall not change his residential address without prior intimation to the Investigation Officer.

(ANUJA PRABHUDESSAI, J.)