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

BAIL APPLICATION NO. 2696 OF 2017

Mr. Sonu Salim Ansari

... Applicant

V/s.

The State of Maharashtra .

...Respondent

Ms. Nisha Mailgiri i/b A.D. Joshi for Applicant.

Mr. S.S. Hulke, APP for the Respondent/State.

CORAM : A.S.GADKARI, J.

DATE : 20th FEBRUARY 2018.

P.C.:

1] This is an application under Section 439 of Cr. P.C. for bail in CR No.I-610 of 2014 dated 31.8.2014 registered with Mahatma Phule Chowk Police Station, Kalyan, District-Thane under Sections 363 and 376 of the Indian Penal Code and under Sections 3 and 4 of the Protection of Children From Sexual Offences Act (POCSO Act).

2] Heard the learned Counsel for the applicant and the learned APP. Perused the chargesheet.

3] The first information report is lodged by Smt. Shanti S. Gupta, mother of the victim girl namely Miss. Mamta Gupta. It is the prosecution case that, the applicant established friendship with the victim girl and subsequently gave her promise to marry him. That the applicant induced the victim girl to accompany him and in August 2014 he removed her from the lawful custody of her parents and took her to Kolkatta, State of West Bengal. It is alleged that, during the said period, the applicant established physical relationship with the victim girl.

The present crime is registered on 31.8.2014 initially under Section 363 of the Indian Penal Code. That the police rescued the victim girl on 30.9.2014 from Kolkatta, State of West Bengal and at the time of filing chargesheet, Section 376 of the Indian Penal Code is added thereto.

4] The statement of the victim girl clearly indicates that on 25.5.2014 she was in 12th standard and was studying at New Era College, Ulhasnagar. That the applicant was having affair with the victim girl and on 25.5.2014, the victim girl of her own left her residential house and joined company of the applicant. The applicant thereafter took her to Kolkatta, West Bengal and they were staying there up to 30.9.2014. The record indicates that, the applicant and victim girl were residing there as husband

and wife and the applicant was earning his livelihood by doing tailoring work. The record indicates that, on the date of alleged offence i.e. on 25.5.2014, the victim girl was more than 16 years of age and had attained the age of understanding and discrimination and she left her parent's house at her own will and joined the company of the applicant.

5] The learned APP submitted that since the date i.e. from 30.9.2014 when the police rescued the victim girl the applicant was absconding and was arrested only on 20.2.2017 from Bangalore and if the applicant is released on bail, he may abscond and if may not be available for trial. The said contention can be taken care of by imposing stringent condition upon the applicant.

6] In view thereof, the applicant can be released on bail.

Hence the following Order:

(i) The applicant be released on bail in CR No.I-610 of 2014 dated 31.8.2014 registered with Mahatma Phule Chowk Police Station, Kalyan, District-Thane on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

(ii) After his release from jail, the applicant shall attend the Mahtma Phule Chowk Police Station, Kalyan on every alternate Monday of the

month between 11.00 a.m. to 1.00 p.m. till conclusion of trial.

(iii) Applicant shall also attend all the dates before the Trial Court.

(iv) Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

7] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)