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

CRIMINAL BAIL APPLICATION NO.2737 OF 2017

Asu alias Ashish Kesarlal Prajapati	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.Girish Paryani, for the Applicant.

Ms.J.S.Lohokare, A.P.P for the Respondent-State.

PSI – N.V.Patil, Vishnu Nagar Police Station, Thane.

CORAM : REVATI MOHITE DERE, J.

DATE : 15th MARCH, 2018

P.C. :

1. Learned Counsel for the applicant seeks leave to amend to delete the name of the prosecutrix wherever it appears in the application. Leave granted. Amendment to be carried out forthwith.

2. Heard learned counsel for the parties.

3. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.I-73 of 2017 registered with the Vishnu

Nagar Police Station, Thane for the alleged offences punishable under Sections 363 and 376 of the Indian Penal Code and under Sections 4 and 8 of Protection of Children from Sexual Offences Act.

4. Perused the charge-sheet in particular the statement of the prosecutrix. It appears that the applicant, aged 21 years and the prosecutrix aged 17 years, met each other in October, 2016 and that their friendship developed into a love affair. She has stated that the applicant called her and told her, that his parents were getting him married and hence she and the applicant left their home. She has stated that she had physical relations with the applicant. She has stated that thereafter, her family contacted the police and hence she told the applicant to go to his house and she went to the police station, where her parents and the police explained to her, that she was a minor and could not get married. She has stated that her parents told her that after she completes 18 years, they would get her married to the applicant, pursuant to which, she went to her parents house. She has further stated that after a few days, her parents got her engaged and fixed her marriage on 6th May, 2017. She has stated that she informed the applicant about her engagement and told him that she did not want to get married to

the said boy. She has further stated that pursuant thereto, the applicant came to Dombivali on 13th April, 2017 and that she and the applicant went together to Borivali and from Borivali to Udaipur. She has stated that again her parents asked her to return back, however, she refused to go, as her parents wanted to get her married to somebody else. She has stated that when she and the applicant stayed in Udaipur, there were no physical relations between them. The applicant is in custody since 29th April, 2017. Investigation is complete and charge-sheet is filed.

5. Considering the peculiar facts and circumstances of this case, the application is allowed and the applicant is enlarged on bail on the following terms and conditions:-

ORDER

- (i) The Applicant be released on cash bail in the sum of Rs.15,000/-, for a period of six weeks;
- (ii) The Applicant shall within the said period of six weeks, furnish P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount;

iii) The Applicant shall co-operate in the conduct of the trial.

6. The Application is allowed and disposed of in above terms.

7. It is made clear, that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

8. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)