

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

BAIL APPLICATION NO.2977 OF 2017

Sanjay @ Tatya Parade		Applicant
<u>Vs.</u>		
The State of Maharashtra		Respondent

Mr. Tushar Narayan Sonawane for the Applicant.
Ms. Veera Shinde, APP for the State.

Ms. A.K. Shendage, API, Akuj Police Station (Solapur Gramin)
present.

Coram : Smt. Sadhana S. Jadhav, J.
Date : 23rd January, 2018

P.C.:

1 Heard the learned counsel for the applicant and the
learned APP. Perused the papers of investigation.

2 This is an application under Section 439 Code of Criminal
Procedure. The applicant herein is arrested on 16th September, 2017
in Crime No.303 of 2017, registered at Akuj police station, Solapur
Gramin for the offences punishable under Sections 363, 366, 452,
323 read with 34 Indian Penal Code and under Sections 8 and 12 of
Protection of Children from Sexual Offences Act, 2012.

3 It is the case of the prosecution that the present applicant happens to be the first cousin of Ms. "X" that the applicant was in love with his cousin. On 9th July, 2017, Ms. "X" had been to the house of the present applicant at Mali Nagar. On 11th July, 2017, the applicant and his associates had informed her mother that they would abduct her. Thereafter with the aid of his friends and other relatives, he had taken her to Pune. On the way, she had learnt that they had made arrangements for their marriage. Ms."X" was crying and therefore, the applicant had assured that she should not worry, he would drop her safely to her place. Accordingly, the applicant had informed one Mahesh that Ms. "X" was in his company and he should make arrangements for taking her home. Soon thereafter Mahesh informed the father of victim and she was safely dropped at her place. The applicant had also proposed for Ms. "X". The said proposal was rejected and therefore he had allegedly abducted her.

4 Learned counsel for the applicant submits that in fact the victim had accompanied the applicant voluntarily. She was 15 years and 8 months old at the time of incident. That the applicant had not taken any undue advantage of the minority of the girl and dropped her home safely. According to the learned counsel, the incident has been blown out of preparation and hence, the applicant deserves to be enlarged on bail.

5 Upon perusal of the compilation of the charge-sheet and considering the submissions advanced across the bar, this Court is of the opinion that the applicant who is in custody since September 2017 deserves to be enlarged on bail.

6 The observations made hereinabove are restricted to the application under Section 439 Code of Criminal Procedure and shall not be taken into consideration for the purpose of quashing of F.I.R., discharge application or at the time of trial. Hence, the order :

ORDER

1 The application is allowed.

2 The applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs.50,000/- with one or more solvent sureties in the like amount.

3 The applicant shall not tamper with the evidence and shall not contact the victim.

4 The applicant shall not enter into village Lavang Section till the conclusion of trial.

(Smt. Sadhana S. Jadhav, J)