

Nalawade

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3208 OF 2018

Gokul Kashinath Gunjal ..Applicant  
vs.  
The State of Maharashtra ..Respondent.

Mr. Ashish Sawant for the Applicant.  
Smt. J.S.Lohokare, APP for the Respondent-State.

CORAM : A.S.GADKARI, J.  
DATE : 14<sup>th</sup> December, 2018

P.C.

1. This is an application under Section 439 of the Code of Criminal Procedure for bail in CR NO.80/2018 registered with Vairag Police Station, Taluka Barshi, District Solapur under Sections 376(2)(a), 376(2)(n), 363, 366(A), 323, 506 read with 34 of the Indian Penal Code and under Sections 4,8,12, 17 of the Protection of Children from Sexual Offences Act.

2. Heard the learned counsel appearing for the applicant and the learned APP. Perused the charge sheet,

3. The prosecutrix was aged about 17.6 years on the date of lodgment of the present crime and therefore, with a view to protect the

identity of the prosecutrix and in consonance with the provisions of Section 228(A) of the Indian Penal Code and Section-33(7) of the Protection of Children from Sexual Offence Act the name of the prosecutrix and the detailed narration of facts mentioned in the first information report and other statements is hereby avoided.

4. The first information report is lodged by father of the prosecutrix alleging the aforesaid offences. The statement of prosecutrix is recorded by the police in presence of woman Police Head Constable and the member of Mahila Dakshata Samiti of the said area. Perusal of statement of the prosecutrix would indicate that, from 2.3.2018 to 9.4.2018 she was residing with the applicant as his wife at a place near the house of cousin sister of the applicant. The said room was belonging to landlord Gopal Darekar. Mr.Gopal Darekar in his statement has stated that, the applicant introduced the prosecutrix as his wife and they were residing in his room as husband and wife. It appears that, on the date of alleged incident i.e. on 26.2.2018 the prosecutrix has attained the age of understanding and discrimination and she at her own will accompanied the applicant at various places and subsequently was residing at Village Krandi, Taluka Shirur, District

Pune for over a month as his wife. The applicant is arrested on 14.4.2018 and after completion of investigation the police have submitted charge sheet. It is submitted that the applicant is aged about 24 years and there are no antecedents at the discredit of the applicant.

5. In view of the above the applicant can be released on bail.

6. Hence, the following order.

a) The applicant be released on bail in CR No. 80/2018 registered with Vairag Police Station, Taluka Barshi, District Solapur now culminated into Special Case No. 17/2018 on his furnishing PR bond of Rs.20,000/-with one or two solvent local sureties in the like amount.

b) After his release from Jail the applicant shall attend the concerned police station on every first Monday of the month between 10.00 a.m. and 12.00 noon till the conclusion of trial.

c) The applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)