

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 292 OF 2019**

Chandankumar Jamuna Ram	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Satyam R. Dubey for the Applicant

Mr. V. V. Gangurde, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
FRIDAY, 5th JULY 2019

P.C. :

1 Heard learned counsel for the parties.

2 By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 83 of 2018 registered with the Boisar Police Station, Mumbai, for the alleged offences punishable under Sections 363, 376(2)(i), 366 of the Indian Penal Code and under Section 6 of the Protection of Children from Sexual Offences Act.

3 Perused the papers, in particular, the statement of the prosecutrix aged 14 years recorded under Section 164 of Code of Criminal

Procedure. From a perusal of the said statement, it appears that the applicant, aged 20 years, was her neighbour and was residing alone. She has stated that since the applicant was her neighbour, they met each other and their friendship developed into a love affair. She has further stated that on 8th April 2018, the applicant was going back to his village, pursuant to which, she decided to accompany the applicant. She has stated that on 9th April 2018, she disclosed to her mother and sister that she was going to school and instead went to Boisar Railway Station, where the applicant was waiting to board the train. She has stated that the applicant, on seeing her, told her to go home, however, she refused and insisted to go along with the applicant. She has stated that on the way to Surat, she called her father and informed him that she was with the applicant and that her father asked her to return home, however, she refused. She has stated that from Surat, apprehending that her parents would find out where she was, they decided to go to Jabalpur. She has stated that on reaching Jabalpur, the applicant's grandparents refused to take them home and asked the applicant to drop the prosecutrix to her parents' house. She has further stated that they resided in a place close-by and performed marriage in the presence of a Pandit, pursuant to which, they had physical relations.

4 No doubt, since the prosecutrix is a minor, consent is immaterial. However, in the peculiar facts and circumstances of the case, further custody of the applicant is not necessary. Accordingly, the application is allowed on the following terms and conditions :

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 10,000/- with one or two sureties in the like amount;
- (ii) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iii) The applicant shall inform his latest place of residence and mobile contact number and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- (iv) The applicant to cooperate with the conduct of the trial.

5 The application is accordingly disposed of.

6 It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

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

REVATI MOHITE DERE, J.