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

CRIMINAL BAIL APPLICATION NO.367 OF 2019

Sangesh Chotu Lodhi	...Applicant
Versus	
State of Maharashtra	...Respondent

Mr.A.G.Awasarmol, for the Applicant.

Mr.P.H.Gaikwad-Patil, A.P.P for the Respondent - State.

API – A.P.Pednekar, Kalwa Police Station, Thane.

CORAM : REVATI MOHITE DERE, J.

DATE : 4th 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.I - 268 of 2018 registered with the Kalwa Police Station, Thane, for the alleged offences punishable under Sections 363, 366, 376(1)(i) of the Indian Penal Code and under Sections 4, 8 and 12 of Protection of Children from Sexual Offences Act.

3. Perused the papers in particular, the statement of the prosecutrix recorded under Section 161 and Section 164 of the Code of Criminal Procedure. A perusal of the 164 statement of the prosecutrix shows that the prosecutrix, aged 17 years was in love with the applicant, aged 20 years and that they would meet frequently. She has stated that they had physical relations on several occasions, pursuant to which, she became pregnant. She has stated that she disclosed to her mother that she wanted to marry the applicant, however, her mother refused and asked her to get the child aborted. In the 164 statement she has stated that when she went for abortion, it was revealed that it was not possible to abort the child and hence she and the applicant decided to run away from the house. She has further stated that she asked her mother to get her married to the applicant, however, she refused, pursuant to which, she ran away from the house on 10th July, 2018. She has stated that she and the applicant were informed that a case is registered as against the applicant, pursuant to which, they returned back.

4. Learned Counsel for the applicant states that the applicant is in custody since July, 2018. It is informed that the prosecutrix is now married.

5. Considering the peculiar facts 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 enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount;
- ii) The Applicant shall attend the concerned Police Station, on the first Saturday of every month, between 10:00 a.m. to 11:00 a.m., for a period of 12 months, from the date of his release;
- iii) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the trial Court as well as to the concerned Police Station, in writing;
- iv) The Applicant shall not tamper with the evidence or attempt to influence/contact the prosecutrix, witnesses or any person concerned with

the case;

v) The Applicant shall co-operate in the conduct of the trial and shall attend the trial Court on every date of hearing, unless exempted by the trial Court.

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.