

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

BAIL APPLICATION NO.397 OF 2019

Praful Jagan Jadhav

.... Applicant

versus

The State of Maharashtra

.... Respondent

- Mr. Pranav Pokale I/b. Prasad Gawade, Advocate for the Applicant.
- Mr. Rajan Salvi, APP for the State/Respondent.
- Mr. P. M. Bankar, ASI, Walchand Nagar Police Station, Pune Rural, present.

CORAM : SARANG V. KOTWAL, J.

DATE : 18th JULY, 2019

P.C. :

1. The applicant is seeking bail in connection with C.R. No.167/2018 registered at Walchand Nagar Police Station, Pune under Section 363 of IPC.

2. The FIR is lodged by mother of the victim in respect of the victim girl missing from the house from 23/5/2018. The offence was initially registered under Section 363 of IPC.

Thereafter, the girl was found and after recording her statement Section 376, 506 of IPC as well as Section 4 and 8 of the Protection of Children from Sexual Offences Act (POCSO) were applied.

3. The statement of the victim shows that she was 13 years and 9 months of age at the time of incident. Her statement shows that on 23/5/2018, she herself had left her house to meet the present applicant at Pune. Thereafter, she went to Mumbai. She has stated that she was taken to Mumbai against her wish. Thereafter, the applicant's friend Suraj made arrangement for their stay at Ghatkopar. They were residing in that room till 19/6/2018. During their stay, they had physical relations. Initially, on 19/6/2018 the police arrived at that room and rescued her. Since then, the applicant is arrested and the victim was rescued.

4. Heard Mr. Pranav Pokale, Ld. Counsel for the Applicant and Mr. Rajan Salvi, Ld. APP for the State/Respondent.

5. Ld. Counsel for the applicant submitted that the FIR itself shows that there was love affair between the victim and the applicant. The victim had resided with him voluntarily. Therefore, he deserves to be released on bail.

6. Ld. APP opposed this application. I have considered the statement of the victim. Though, it shows that she on her own had left the house and had gone to meet the applicant, the fact remains that she was only 13 years and 9 months of age. She was hardly in a position to understand the consequences of her act. The applicant at that time was 19 years of age. Therefore, the provisions of POCSO Act as well as under IPC is made out. In this view of the matter, considering the seriousness of the matter, I am not inclined to grant bail to the applicant. Hence, the application is rejected. However considering the young age of the applicant and his love affair with the victim, the trial is expedited.

(SARANG V. KOTWAL, J.)