

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

CRIMINAL BAIL APPLICATION NO. 435 OF 2019

Shyam Ramesh Patil	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

- Mr.Vikram R. Sutaria for the Applicant.
- Mrs.A.A. Takalkar, APP for the Respondent.
- Mr.Pankaj Bhople, PSI, Parksite Police Station.

CORAM : PRAKASH D. NAIK, J.

DATE : 1st MARCH, 2019.

P.C. :

1] This is an application for bail in connection with C.R. No. 426 of 2017 registered with Parksite Police Station for the offence punishable under Sections 363, 376, 212 read with 34 of the Indian Penal Code, Section 4, 6, 8, 12 and 16(3) of the POCSO Act.

2] The FIR was lodged by the mother of victim on 12th November, 2017, under Section 363 of the Indian Penal Code. The victim who is aged about 17 years was chased and her statement was

recorded on 19th December, 2017. In her statement, the victim had stated that she had voluntarily accompanied the Applicant and they have stayed together. The statement of the victim was recorded under Section 164 of the Criminal Procedure Code. The said statement is also in consonance with her version reflected with the statement recorded by the police. She had stated that she went with the Applicant and stayed with him till 30th November, 2017 till she traced. It appears that prior to registration of this FIR, similar complaint was lodged against the Applicant wherein the Applicant and the victim had left the house together and the complaint was lodged for similar offence. The Applicant was granted bail in the said case and after his release on bail, the Applicant had again eloped with the victim. The Applicant is in custody for a period of 14 months after his arrest in the present case. Learned APP pointed out the nature of evidence collected during the course of investigation and the statement of the victim recorded under Section 164 of the Criminal Procedure Code.

3] In the light of the observations made here-in-above and considering the fact that the Applicant is in custody for a period of about 14 months, bail can be granted to the Applicant on certain conditions.

4] Hence, following order.

:: ORDER ::

- (i) Bail Application No. 435 of 2019 is allowed and disposed of.
- (ii) The Applicant is directed to be released on bail in connection with C.R. No. 426 of 2017 registered with Parksite Police Station on furnishing P.R. Bond in the sum of Rs.15,000/- with one or more sureties in the like amount.
- (iii) The Applicant shall report concern police station once in a month on first Saturday of the month between 11 am to 1 pm till further order.
- (iv) The Applicant shall not approach the complainant and the victim in any manner. He shall not tamper with the evidence.
- (v) The Applicant shall attend the trial Court regularly on the date of hearing of the case, unless exempted by the trial Court for some reason.
- (vi) In the event, the Applicant commits breach of condition of any of the bail, the prosecution will be at liberty to prefer an application for cancellation of bail.

[PRAKASH D. NAIK, J.]