

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 450 OF 2019**

Parbind Ramdhari Maurya

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. A. K. Tiwari I/bMr. S. Pandey for the Applicant

Ms. P. P. Shinde, 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. I-71 of 2018 registered with the Palghar Police Station, Thane, for the alleged offences punishable under Sections 363, 366, 366A, 376(1), 376(2)(i)(j)(k)(n) of the Indian Penal Code; and under Sections 4, 8, 12 of the Protection of Children from Sexual Offences Act.

3 Perused the papers. According to the prosecution, the applicant aged 36 years, a married man with two kids, kidnapped the prosecutrix aged 16 years and had physical relations with her. Although the prosecutrix

in the history given to the doctor has stated that she was in a relationship with the applicant and had gone on her own accord, the fact remains that the prosecutrix was a minor. The applicant aged 36 years, had taken advantage of the minor girl and had physical relations with her. As far as consent is concerned, the same is immaterial, considering the fact that the prosecutrix was a minor. If the applicant is enlarged on bail, the possibility of the applicant tampering with the witnesses cannot be ruled out.

4 Considering the aforesaid, this is not a fit case to enlarge the applicant on bail. The application is accordingly rejected. However, the trial of the applicant is expedited.

5 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.

REVATI MOHITE DERE, J.