

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1420 OF 2019**

Ankit Lal Yadav

...Applicant

Versus

The State of Maharashtra

...Respondent

Ms.Sejal Shah a/w. .R.J.Baddam, i/b. Satish Pandey, for the Applicant.

Mr.S.S.Hulke, A.P.P for the Respondent-State

PSI Mr. A.T.Gadhawe, from Turbhe MIDC Police Station, Navi Mumbai, is present

CORAM : REVATI MOHITE DERE, J.
DATE : 29th AUGUST 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-262 of 2018 registered with the Turbhe M.I.D.C. Police Station, Navi Mumbai, for the alleged offences punishable under Sections 363, 366A, 376(3) of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act.

3 Perused the papers, in particular, the statement of the prosecutrix. It is alleged by the prosecutrix that the applicant aged 19 years would frequently come to her house and the same was disliked by her parents. She has alleged that there used to be frequent quarrels between her and her mother, pursuant to which, her mother would assault her. She has further stated that the applicant would try and make her understand, however, she was fed up with the said quarrels and disclosed to the applicant that she wanted to run away from the house. She has further alleged that on 17/09/2018, she and Ankit (applicant) decided to run away from the house, pursuant to which, on 18/09/2018 at about 4:00 a.m. in the morning, she left the house and they went to Kurla. She has stated that they went to Chhatisgarh, where they stayed. She has stated that she and Ankit (applicant) resided in a separate room till 27/09/2018. She has further stated that they had physical relations on one occasion during the said period. Although, the prosecutrix has stated her age to be 14 years and the same is certified by the school i.e. Bonafide Certificate, the radiological examination shows that the applicant was 16 years + 6 months.

4 The applicant is in custody since 29/09/2018. Investigation is complete and charge-sheet is filed.

5 Considering the peculiar facts and circumstances 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 executing PR Bond in the sum of Rs. 10,000/- 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 from 10:00 a.m. to 11:00 a.m. till the conclusion of the trial;

- (iii) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

- (iv) 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;

(v) The applicant to cooperate with the conduct of the trial and attend all the dates before the trial Court, unless exempted;

(vi) The applicant shall file an undertaking with regard to clauses (ii) to (v) in the trial Court, within two weeks of his release;

(vii) If there are two consecutive defaults either in attending the Police Station or in appearing before the trial Court, or breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

6 The application is accordingly disposed of.

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

REVATI MOHITE DERE, J.