

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

CRIMINAL BAIL APPLICATION NO.2306 OF 2019

Mr. Sanjaykumar Ramtaul Verma
@ Raj Chaudhary

...Applicant

Versus

The State of Maharashtra

...Respondent

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Mr. Zaid Qureshi, Advocate for the Applicant.
Mr. Prashant Jadhav, APP for the state-respondent.
Mininath Warude, P.S.I. Hinjewadi Police Station, Pimpri
Chinchwad.

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CORAM : PRAKASH D. NAIK, J.
DATE : 20th November, 2019

PC :

1. The applicant is seeking bail in C.R. No.173 of 2019 registered with Hinjewadi Police Station, Dist. Pune. The FIR was lodged by the father of the victim on 29th January, 2019, stating that the victim's daughter has left the house for going to school and she did not return. It was further stated that some unknown person had enticed the victim and kidnapped her. The investigation proceeded. Statement of witness were recorded. Statement of the victim was recorded on 6th February, 2019. The applicant was arrested on 11th March, 2019, on completing the investigation, charge sheet is filed.

2. Learned advocate for the applicant submitted that the relationship was consensual. The statement of the victim and the other documents which is the part of charge-sheet, indicates that the victim had volunteered to accompany the applicant-accused. Both of them stayed together at the lodge and there was physical relationship. Learned counsel for the applicant further submitted that the relationship between the applicant and victim is also fortified by the photographs clicked by them together. The statements of the witnesses recorded during the course of investigation also shows that the applicant and the victim were in relationship. It is contended that the victim had tendered the Aadhar Card, which shows that her date of birth is 24th April 2000. The applicant is in custody from the date of arrest. There are no antecedents against him.

3. Learned APP submitted that the consent of the victim is immaterial as she is minor. The School Leaving Certificate, Birth Certificate and the Aadhar Card of the victim shows that her date of birth was 28th April, 2004. Thus, the victim was minor at the time of incident.

4. Learned APP further submitted that the victim had left the company of the accused and visited the Police Station, which would indicate that she was not accompanying the applicant voluntarily and the relationship was not consensual.

5. On perusal of the charge sheet, it can be seen that the victim girl left her house on 29th January, 2019. The complaint was lodged against unknown person alleging that the victim was enticed by some unknown person and is being kidnapped. The statement of the victim was recorded on 6th February, 2019. Her version reflects that on 29th January, 2019, the victim was at the bus stop after attending her college. The applicant met her and inquired with her as to where she is going? The applicant told her that, he would drop her at his residence. Both of them went to Pune Station by bus. The applicant gave water to her and after drinking water she slept. When she woke up, it was noticed that she was at Thane Railway Station. Thus, the accused and the victim had travelled from Pune to Thane Railway Station. Both of them went to the house of the friend of the applicant. They stayed in the said room. The applicant had forceful physical relationship with her. On the next day, both of them went to Thane Railway Station. The accused told her they are returning home. Both of them reached at Daund Railway Station. They hired the room at Daund. The victim gave her bus pass while checking in the hotel to the owner of the hotel and the accused produced his Aadhar Card. Both of them stayed in the said hotel from 30th January, 2019 to 5th February, 2019. The accused had forcefully physical relationship with her. The victim managed to flee from the company

of the accused and returned home. It is pertinent to note that the statement of the friend of the victim was recorded on 2nd February, 2019. She has stated that there was conversation between the said witness and the victim. A month ago, the victim had shown her photographs of a boy in her mobile phone and disclosed the name of said person as Raj Choudhari and also told her that he is her boyfriend and she will be going out with him. The witnesses was shown photograph of Raj Choudhari while recording her statement. She has identified him to be same person whose photo was shown by the victim to her. The statement of another witness was recorded in whose room, the victim and the applicant had stayed. The said witness has stated that on 30th January 2019, the accused and the victim had approached her. They showed their School Card and Aadhar Card. Both of them represented that they have married recently. The medical case papers show that there are old marks on the genitalia of the victim. It appears that, both of them were acquainted with each other. They have stayed together. There was a physical relationship on several occasions. The investigation is completed and charge sheet is filed. Further detention of applicant is not called for. There are no criminal antecedent against the applicant. Hence, case for grant of Bail is made out. Hence, order as follows :

:: ORDER ::

- (i) Bail Application No. 2306 of 2019 is allowed;
- (ii) The applicant is directed to be released on bail in connection with C.R. No. 173 of 2019, registered with Hinjewadi Police Station, District. Pune, on furnishing P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;
- (iii) The applicant shall attend the concerned Police Station, once in a month on first Saturday of the month between 10:00 a.m. to 12:00 noon till further order;
- (iv) Applicant shall not approach the victim till the conclusion of Trial and shall not tamper with the evidence;
- (v) Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)