

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2464 OF 2018

Vijay Ramu Kale	.. Applicant
Vs.	
The State of Maharashtra	.. Respondent

Mr.R.S.Deshpande I/b Mr.Vijay S.Thakur, for the Applicant.
Mrs.A.A.Takalkar, APP for State.
Ms.Sunayana Nate, PI, Sahar police station is present.

CORAM : PRAKASH D. NAIK, J.

DATE : 27th FEBRUARY, 2019

P.C. :

. This is an application for bail in connection with C.R. No. 3 of 2018 registered with Sahar police station. The First Information Report was initially registered for an offence punishable under section 363 of I.P.C. Subsequently, section 376 of I.P.C was added. Sections 6, 8 and 12 of POCSO Act was also invoked.

2. The case of the prosecution is that victim was

missing from the house on 01/01/2018 and hence, a complaint was lodged for an offence under section 363 of the I.P.C. Subsequently, the victim was traced and statement was recorded on 11/01/2018. In the said statement, she has stated that on 01/01/2018, the accused had promised her that he will marry her and had physical relationship. On 07/01/2018, the victim and applicant went to Vasai from Dadar and thereafter to Delhi. The victim stayed with the applicant for a period of about one week. There was physical relationship between them. Thereafter, the victim returned to Mumbai and statement was recorded on 11/01/2018. The applicant was arrested on 11/01/2018. Since then, he is in custody. It is also apparent that victim has conceived and pregnancy was terminated. The age of the victim as reflected in her statement is 17 years. The medical examination with regard to determination of age was conducted which indicates that her age is between 17 to 18 years. The medical case paper forming part of charge-sheet shows that she was aged about 22 years. Learned APP submitted that the applicant had induced the complainant to

have physical relationship under the pretext of marriage and by giving false promise. The victim was minor at the time of incident.

3. Having gone through the charge-sheet, it is apparent that the victim and accused had physical relationship. She had accompanied the applicant to Delhi and both of them had stayed together. During that period, there was physical relationship between them. The applicant is in custody for a period of about one year. Considering aforesaid circumstances of the case, bail can be granted to the applicant. Hence, the following order.

ORDER

(i) Bail Application is allowed;

(ii) The applicant is directed to be released on bail in connection with C.R. No. 3 of 2018 registered with Sahar Police Station on his furnishing P.R. bond in the sum of Rs.25,000/- with one or more sureties in the like amount.

(iii) The applicant shall report to the concerned police station once in a month on every first Saturday between 11.00 a.m. to 1.00 p.m.

(PRAKASH D. NAIK, J.)