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

BAIL APPLICATION NO.2573 OF 2018

Rajan Baburam Sharma

..Applicant

Vs

The State of Maharashtra & Anr.

..Respondents

Ms. Priyanka I/b Sandeep Sherkhane for the Applicant.

Mr. S.S. Hulke, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 5th April 2019.

P.C.:

1] This is an application under Section 439 of Cr. P.C. for bail in CR No. 223 of 2018 dated 11.5.2018 registered with D.N. Nagar Police Station, Mumbai under section 363, 366-A, 376, 114 of the Indian Penal Code and 8 and 14 of the Protection of Children From Sexual Offences Act (POCSO Act).

2] Heard the learned counsel for the applicant and the learned APP. Perused the record the chargesheet.

3] The age of the co-accused Simon @ Rahul was 17 years and the age of the prosecutrix was about 14 years at the time of lodgment of the first information report. They both were having love affair. The said two

minors eloped and took shelter of the place of the applicant. It is the prosecution case that, the co-accused in fact had physical relations with prosecutrix at the house of the applicant. The first information report was lodged by the mother of the prosecutrix. During the course of investigation, the applicant came to be arrested on 11.5.2018 and after completion of investigation the police have submitted chargesheet.

4] Perusal of the chargesheet would indicate that the role played by the applicant in the present crime is that, he permitted the said couple i.e. the co-accused Simon @ Rahul and the prosecutrix to reside at his place after the prosecutrix eloped with her fiancé. Apart from this, no overt-act is attributed to the applicant in the present crime.

5] In view thereof, this Court is of the view that, the applicant can be released on bail.

Hence the following Order:-

i] Applicant be released on bail in CR No. 223 of 2018 registered with D.N. Nagar Police Station, Mumbai, on his furnishing PR bond of Rs.15,000/- with one or two local sureties in the like amount.

ii] Applicant is permitted to furnish cash bail and within a period of six weeks from his actual release from jail to complete the procedure of

furnishing sureties.

iii] The applicant shall attend all the dates before the Trial Court unless granted exemption by the concerned Court.

iv] In case of two consecutive defaults, the Investigating Officer is at liberty to file an application for cancellation of bail.

6] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)