

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

CRIMINAL BAIL APPLICATION NO. 2850 OF 2018

Ramu Selvam Harijan

... Applicant

Vs.

The State of Maharashtra

... Respondent

...

Mr. Arun Rajput I/by Ms. Anjali Patil for the applicant.

Mr. S.R. Agarkar, APP for the Respondent-State.

Mr. Mushtaq Khan, API, Mulund Police Station is present.

...

CORAM : PRAKASH D. NAIK, J.

DATE : 21st FEBRUARY, 2019.

P.C.

1. This is an application for bail in connection with CR No. 210 of 2012 registered with Mulund Police Station for the offences punishable under sections 363, 366 read with 34 of Indian Penal Code. Applicant was arrested on 9th February, 2016. Applicant had preferred an application for bail before the Sessions Court which was rejected on 16th July, 2016.

2. Prosecution case is that on 20th May, 2012, the victim aged about 16 years was at home. Subsequently it was noticed that she was missing from the house. Report was lodged with police station. Attempts were made to search the victim. It was learnt that applicant and the victim had gone to Selum at Chennai at

house of the sister of the applicant. Police called the applicant and told him to attend the Police Station. On 28th May, 2012, the victim alongwith brother and grand mother of the applicant came to the police station, victim disclosed that she had love affair with the applicant. Thereafter the informant and others were returning home. At that time mother, sister and aunt of the applicant obstructed them and picked up quarrel with the informant. They forcibly took the victim and ran away from the place of incident. Victim again went to the Police Station and the First Information Report was lodged. After one year the victim came to the house of the informant she was pregnant. She disclosed that she was ill-treated by the applicant and others and she had managed to leave the house of accused. Statement of the victim was recorded and the offences were registered.

3. Applicant was not available and he was arrested on 9th February, 2016. Other accused were prosecuted and they were acquitted. On perusal of the chargesheet it is apparent that victim was in love with the applicant she had stayed with the applicant for a period of one year and subsequently there was a dispute between them. The victim had thereafter returned to Mumbai and joined her parents. Birth certificate of the victim indicates that she

was aged about 20 years.

4. Learned APP submitted that applicant was absconding for a long period of time. Other accused were prosecuted for the said offence. At the time of incident victim was minor.

5. On perusal of the document, it is apparent that the victim and the applicant were in relationship. She had stayed with the applicant for a period of one year. She had eloped with the applicant. Co-accused were prosecuted and acquitted. Applicant was arrested after a period of about four years. Thereafter he remained in custody for almost for a period of three years. Considering the aforesaid circumstances, bail can be granted to the applicant. Hence, I pass the following order.

ORDER

- i. Criminal Bail Application is allowed;
- ii. Applicant is directed to be released on bail in connection with C.R. No. 210 of 2012 registered with Mulund Police Station on furnishing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- iii. Applicant shall report to concerned Police Station once in a month on first Saturday of every month between 11 a.m. to 1 p.m. till further order;

- iv. Applicant shall furnish details of his place of residence alongwith residential proof to the Investigating Officer after he is released on bail;
- v. Criminal Bail Application stands disposed off

(PRAKASH D. NAIK, J.)