

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.3130 OF 2018

Sufiyan Abdul Rehman Wagle, Age Major,
Occ.Service, R/o.B/207, Building No.1,
Gulab Park, Amrut Nagar, Mumbra, Thane.

Applicant

versus

The State of Maharashtra

Respondent

Mr.Pankaj Pandey for applicant.

Mr.A.R.Kapadnis, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 20th February 2019

PC :

1. The applicant is arrested in CR No.I-539 of 2017 registered with Mumbra Police Station for offences under Sections 363, 365, 376 of Indian Penal Code and under Sections 4,6,8 and 12 of Protection of Children from Sexual Offences Act, 2012. The FIR was lodged by victim u/s 363 of IPC. Subsequently the victim and the applicant were found together and they were brought to police station. The statement of victim was recorded u/s 164 of Cr.P.C. In the said statement she had stated the applicant took the victim with him on 13-12-2017. The victim told her parents that she was going to college. Thereafter she joined the applicant. Both of them went to Bihar. They stayed together for a period of more than month. There was physical relationship between them. Subsequently they were apprehended at Kalwa.

2. The applicant is arrested on 23rd January 2018. Investigation is completed and charge sheet is filed. The applicant is in custody

for a period of more than one year. The advocate for applicant submitted that relationship was consensual. The statement of victim indicate that both of them were in relationship and had decided to run away. Learned APP, however, submitted that the victim is minor. The applicant is married person.

3. Considering the statement of the victim and the fact that applicant is in custody for more than one year, further detention is not called for. Case for grant of bail is made out. Hence, I pass following order :

ORDER

- (i) Criminal Bail Application No.3130 of 2018 is allowed and disposed off;
- (ii) The applicant is directed to be released in connection with CR No.I-539 of 2017 registered with Mumbra Police Station, on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall report Mumbra Police Station once in a month on every first Saturday between 11 am and 1 pm;
- (iv) The applicant shall not tamper with evidence and shall attend Trial Court proceedings regularly, unless exempted by the Trial Court for some reasons;
- (v) The applicant is permitted to furnish cash security in the sum of Rs.25,000/- for a period of eight weeks.

(PRAKASH D. NAIK, J.)