

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.3269 OF 2018

Shyamsundar Dineshkumar Lata	Applicant
versus	
The State of Maharashtra	Respondent

Mr.S.V.Marwadi I/by N.M.Nadar for applicant.
Ms.A.A.Takalkar, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 16th January 2019

PC :

1. The applicant is seeking bail in CR No.I-13 of 2018 registered with Boisar Police Station for offences under Section 363 of Indian Penal Code. Subsequently offence u/s 376 of IPC and Section 4 of POCSO Act were invoked. The complaint was lodged by mother of the victim on 3rd February 2018 alleging that the victim child aged about 15 years was missing from the house and she suspected that she must have been kidnapped. Subsequently the statement of victim was recorded u/s 161 of Cr.P.C on 20th August 2018 wherein the victim had stated that she was acquainted with the applicant and they were in love with each other. However, the brother of victim was against the relationship. She further stated that the victim had accompanied the accused and they had visited Gujarat and stayed there for a period of about twenty days. They had also stayed in the lodges and solemnized marriage in the temple. They had stayed together like husband and wife. Her statement was recorded u/s 161 of Cr.P.C, however, in the said statement the victim has stated that there was no physical relationship between her and the applicant.

2. Investigation is completed and charge sheet is filed. Medical evidence also does not support the case of sexual assault. Learned APP submitted that the victim refused to undergo detailed medical examination and only routine medical check up was conducted.

3. Considering the above circumstances, case for grant of bail is made out. Hence, I pass following order :

ORDER

- (i) Criminal Bail Application No.3269 of 2018 is allowed and disposed off;
- (ii) The applicant is directed to be released on bail in connection with CR No.I-13 of 2018 registered with Boisar 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 Boisar Police Station once in a month on every first Saturday between 11 am and 1 pm till further orders;
- (iv) The applicant is permitted to furnish cash security in the sum of Rs.25,000/- for a period of six weeks.

(PRAKASH D. NAIK, J.)

MST