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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Criminal Bail Application No. 112 OF 2020

Suhel Altaf Mehater ... Applicant
Vs.
State of Maharashtra ... Respondent

Mr. Umesh Mankapure i/b Ms. Tanvi Girish Tapkire, for the Applicant.
Mr. H. J. Dedhia, APP for the Respondent - State.

CORAM : C. V. BHADANG, J.

DATE : SEPTEMBER 2, 2020

PC :

1. This is an application for bail. The applicant is charge-sheeted for the offence punishable under S. 363, 366A, 376, 465, 468, 471 of Indian Penal Code read with S. 3, 4, 5 and 6 of the Protection of Children from Sexual Offences Act, 2012.

2. The prosecutrix / victim at the relevant time was aged 16 years 10 months and was staying alongwith her uncle at Kasar Galli, Tasgaon, district Sangli. On 13th August, 2019 at about 7.00 a.m., she left her house, saying that she is going to her college. As she did not return till 2.00 p.m., her uncle Mohanlal, reported the matter to the police.

3. During the course of investigation, it transpired that the applicant, who is the son of a close acquaintance of Mohanlal, was

texting certain messages to the prosecutrix, asking her to marry him. It further transpired during the course of investigation, that the victim had accompanied the applicant, initially to Delhi and thereafter to Jammu and Chandigadh, from where the applicant was arrested.

4. The learned counsel for the applicant submitted that the investigation is complete and the charge-sheet is filed. It is submitted that the victim was 16 years and 10 months, and had voluntarily accompanied the applicant. He placed reliance on the decisions of this Court in the case of *Anurudha Yadav Vs. The State of Maharashtra*¹ and *Satyam Fulore Vs. The State of Maharashtra*², in order to submit that there is no element of kidnapping. It is submitted that in the case of *Anirudha Yadav (supra)*, this Court in similar circumstances where the age of the victim was 14 years, 11 months, has granted bail.

5. The learned Additional Public Prosecutor submits that applicant is married and is having children and his act is grossly culpable in enticing a girl, who is a child.

6. I have considered the circumstances and the submissions made. Prima facie, it appears that in similar circumstances, this Court, placing reliance on the decision of the Supreme Court in the case of *S. Varadarajan Vs. State of Madras*³ has held that there is no element of

1 2020 ALL MR (Cri) 1351

2 2015 ALL MR (Cri) 2785

3 AIR 1965 SC 942

inducing / forcing the victim to leave her parents house.

7. I have carefully gone through the statement of the prosecutrix. The investigation is complete and the charge-sheet is filed. In such circumstances, considering the overall circumstances, I do not find that further incarceration of the applicant is necessary, pending trial.

8. In the result, I pass following order.

ORDER

- (i) The applicant be released on bail on executing a PR bond in the sum of Rs. 25,000/- with one or two solvent sureties in the like amount, before the learned Special Judge.
- (ii) The applicant shall not directly or indirectly make any contact with the prosecutrix and shall not otherwise tamper with or influence the prosecution evidence / witnesses.
- (iii) The applicant shall reside outside Tasgagaon, district Sangli and shall not enter village Tasgaon without the permission of the learned Special Judge.
- (iv) In the event of breach of any of the conditions, the bail of the applicant is liable to be cancelled.
- (v) The criminal bail application is accordingly disposed of in the aforesaid terms.

Sd/-
C. V. BHADANG, J.