

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

CRIMINAL BAIL APPLICATION NO. 1450 OF 2019

Pravin Balu Pithe ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Rameshwar N. Gite, Advocate for the Applicant.

Mr. H. J. Dedhia, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 2nd MARCH, 2020

PC :

1. The applicant is seeking bail in C.R. No. I-39 of 2018 registered with Satana Police Station, Dist. Nashik for offences punishable under Sections, 363, 376(1), 366(1) of Indian Penal Code and Section 4 & 8 of Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO Act').

2. The FIR was lodged by mother of victim on 26th March, 2018 alleging that, the victim is daughter aged about 15 years. She has left the house with the applicant. Subsequently, the applicant and the victim were traced. Statement of the victim was recorded under Section 161 of Cr.PC on 27th March, 2018. In that statement the victim has stated that on 19th March, 2018, the applicant came to her

house on the motorcycle and by promise of marriage took her to Gahale Taluka Surgana. Both of them stayed at the house of applicant's friend for five days. With promise of marriage the victim was subjected to physical relationship. On 26th March, 2018 they were brought to Police Station. The statement of victim was recorded under Section 164 of Cr.P.C. on 6th April, 2018. In that statement she stated that she had eloped with the applicant on 19th March, 2018. She has voluntarily left the house. The accused did not force her. They went to Gahale, Taluka Sugarana. They stayed in the house of applicant's friend for five days. Thereafter, they left the friend's house and stayed at the different place and stayed there for one day. Police searched them. They were apprehended and brought to the Police Station and her custody was handed over to mother. While she was with the applicant there was no forcible physical relationship. Investigation is completed and charge-sheet is filed.

3. From these statements, it appears that the victim and the applicant were acquainted with each other. The victim is aged about 15 years. The applicant is aged about 19 years. In view of statement of victim under Section 161 of Cr.P.C. and also Section 164 of Cr.P.C. it is apparent that both of them were close to each other. The victim had voluntarily accompanied applicant.

4. Hence, I pass the following order :

ORDER

- i) Bail Application No. 1450 of 2019 is allowed;
- ii) The applicant is directed to be released on bail in connection with C.R. No. I-39 of 2018 registered with Satana Police Station, Dist. Nashik, on furnishing P. R. bond in the sum of Rs. 25,000/- with one or more sureties in the like amount;
- iii) The applicant shall not approach the victim and shall not enter into the vicinity of her residence till conclusion of the trial.
- iv) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)