

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

CRIMINAL BAIL APPLICATION NO. 2820 OF 2019

Samadhan Madhukar Madane	...Applicant
Versus	
The State of Maharashtra	...Respondent

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Mr. Rahul K. Dhygude, Advocate for the Applicant.
Smt. Veera Shinde, APP for the State-Respondent.

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CORAM : PRAKASH D. NAIK, J.

DATE : 30th January, 2020

PC :

1. The applicant is seeking bail in C.R. No. 83 of 2019 registered with Pusegaon Police Station, Dist. Satara for offences punishable under Section 363, 366, 376(i) of Indian Penal Code and Section 3 & 4 of Protection of Children from Sexual Offences Act, 2012(for short 'POCSO' Act). The applicant was arrested on 1st July, 2019.

2. The FIR was lodged on 28th May, 2019 by the father of the victim stating that the victim was missing from the house. Inquiry was made with the relatives. She was not found, hence father of the victim lodged the complaint and offence was registered under Section 363 of IPC. The complainant learnt that the victim was taken by the applicant/accused from his lawful guardianship. After a period of about one and half month, victim and the applicant were traced together. The statement of the victim was recorded under

Section 161 of Cr.PC.. In the said statement, she stated that, she was in love with the applicant since last three months. She left with the applicant in the night of 25th and 26th May, 2019. They went to old age home and stayed together as husband and wife for a period of about 1 and half month. The applicant was arrested. The victim and the applicant were medically examined. Statement of the victim was recorded under Section 164 of Cr.PC. In that statement she has stated that the applicant had enticed her and took her to old age home and introduced her as his wife. Statement of persons attached to old age home were recorded. They stated that the applicant and victim had stayed there as husband and wife. They were in search of work which was provided to them.

3. Learned APP submitted that the victim was minor aged about 17 year. The applicant is married person. There is age difference between them. The applicant ought not to have taken victim from lawful guardianship of her parents. The consent of the victim is immaterial because she was minor.

4. On perusal of the documents, it is apparent that the victim is aged about 17 years. Both of them left together and stayed for 1 and half month together. The victim was aware that the applicant is married person. He is related to her. Considering the factual aspects

of this matter and fact that, applicant is in custody from 1st July, 2019, bail can be granted on certain terms and conditions.

5. Hence, I pass the following order :

ORDER

- i) Bail Application No. of is allowed;
- ii) The applicant is directed to be released on bail in connection with C.R. No. 83 of 2019 registered with Pusegaon Police Station, Dist. Satara on furnishing P.R. bond in the sum of Rs. 25,000/- with one or more sureties in the like amount;
- iii) Applicant shall not enter into vicinity of the residence of the victim, till conclusion of the trial.
- iv) The applicant shall furnish the details of his place of residence to the Investigating Officer after he is released on bail.
- v) The applicant shall not try to approach the victim.
- vi) The applicant shall attend the Trial Court regularly on the date of hearing unless exempted by the Court.
- vii) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)