

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

BAIL APPLICATION NO.146 OF 2020

Sonu Karmali s/o. Jagdish Karmali	.. Applicant
<i>Versus</i>	
State of Maharashtra	.. Respondent

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Ms.Anjali Patiil, Advocate for the Applicant.

Mr.S.R. Agarkar, APP for the Respondent – State.

Mr.Niranjan Bhavake, Advocate for Respondent No.2.

PSI Hande Purnima, Neharu Nagar Police Station, Mumbai and presently posted at Pant Nagar Police Station, Mumbai, today present in Court.

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CORAM : PRAKASH D. NAIK, J.

DATED : AUGUST 11, 2021.

P.C. :

The applicant is arrested on 15th June, 2019, in connection with C.R.No.180 of 2019, registered with Nehru Nagar Police Station, Mumbai. First Information Report (“FIR”, for short) was lodged on 2nd June, 2019, by the father of the victim girl for offences under Sections 363 and 376 of Indian Penal Code (“IPC”, for short).

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2 The case of the complainant is that the victim girl is his daughter. On 2nd June, 2019, the victim left the house. She

could not be traced. Hence, FIR was registered under Section 363 of IPC. The victim was traced. Her statement was recorded on 18th June, 2019. Supplementary statement of the complainant was recorded on 18th June, 2019. The victim was medically examined. Birth certificate of the victim was collected during the investigation. The age of the victim is about 13 years 10 months. On completing investigation, charge-sheet is filed.

3 Learned counsel for the applicant submitted that the statements of the victim girl would indicate that she got acquainted with the applicant who was aged about 22 years. There was love affair between them. Victim left the house and met the applicant. Both of them went to Jharkhand. They stayed at the hotel for three days. There was physical relationship between them.

4 Learned APP submitted that the charge has been framed by trial Court. The supplementary statements of the father of victim refers to the fact that the victim girl was taken to Jharkhand and the wife of the applicant had lodged complaint, and, thereafter, the applicant and the victim girl were brought to Mumbai.

6 Learned counsel for the complainant submitted that the victim was minor. The conduct of the applicant is required to be taken into consideration. The gold chain of the victim girl was sold. The offences were registered under Section 376 of IPC and Section 4, 6 and 8 of POCSO Act. He relied on the order of the Sessions Court rejecting the application for bail.

7 From the complaint and the other documents on record, it is apparent that the victim has left the house voluntarily and joined the applicant. The statement of the victim girl mentions that she used to attend classes. The applicant was working in hotel. She got acquainted with him. The hotel was situated near her class. The applicant gave her cell phone. They used to talk on the said cell phone. There used to be quarrels in her house. Her father used to scold her for not doing household work. She was not interested in residing in her house. She had informed about it to the applicant. On 2nd June, 2019, the father of the victim girl had scolded her. There was quarrel between her father and mother. She gave a call to the applicant and informed him about the quarrel between her parents, and, that she wants to go out with applicant. At about 5:00 p.m. without informing anyone, the victim left the house and met the applicant at Chembur. They went for a movie and visited house of the friend of

the applicant. On 3rd June, 2019, both of them went to Panvel. They went to the jeweller, and, sold the gold chain and after collecting the amount, they came back to Chembur. They purchased clothes and went to Kolhapur. Thereafter, they went to Ganpatipule. They stayed at hotel for about three days. There was physical relations between them. Thereafter, both of them went to the relative of the applicant. They stayed there, and, thereafter, they boarded train and went to Jharkhand.

8 The statements of the victim girl indicate that she was closely acquainted with the applicant. She accompanied him and there was physical relation between them. Applicant is in custody since last two years. It is not clear as to when the trial would conclude considering the current pandemic situation. Learned counsel for the applicant disputes the fact that the charge has been framed against the applicant. Learned APP submitted that the applicant is a resident of Jharkahand, and, he may not be available for trial in the event bail is granted to him.

:: ORDER ::

- (i) Bail Application No.146 of 2020, is allowed;

- (ii) Applicant is directed to be released on bail in connection with C.R.No.180 of 2019, registered with Nehrunagar Police Station, Mumbai, on executing P.R. Bond in the sum of Rs.25,000/-, with one or more local sureties in the like amount;
- (iii) Applicant shall report concerned police station once in a month on first Saturday of the month between 11:00 a.m. to 01:00 p.m., for a period of six months, and, thereafter, once in three months on first Saturday of the month between 11:00 a.m. to 01:00 p.m., till further orders;
- (iv) Applicant shall attend the trial Court on the date of hearing regularly, unless exempted by the Court;
- (v) Applicant shall furnish details of place of his residence to the trial Court and to the investigating officer where he would reside after being released on bail;
- (vi) Bail Application No.146 of 2020, stands disposed of accordingly.

(PRAKASH D. NAIK, J.)