

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

CRIMINAL BAIL APPLICATION NO.1687 OF 2020

Vikrant Sheshmani Gautam ... Applicant
Versus
The State of Maharashtra ... Respondent

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None for the Applicant.

Ms. Veera Shinde, APP for the Respondent – State.

Mr. S. A. Sonwane, Police Station, Present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 22nd FEBRUARY, 2021

PER COURT:

1. This is an application for bail in C.R. No. 98 of 2018 registered with Wadala T. T. Police Station, Mumbai for offences under Sections 363 & 376 of Indian Penal Code and Sections 4, 6, 8 & 12 of Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO Act'). The complaint was lodged by the mother of victim on 24th March, 2018.

2. The daughter of complainant (victim girl) aged 16 years had left the house on 11th March, 2018 and did not return home. Complainant tried to search her. In November 2017 also she had left the house and returned after two days. On 23rd December, 2018 victim was traced at Uttar Pradesh and brought to Mumbai with applicant. Statement of complainant was recorded on 23rd December, 2018. Victim's statements was recorded under Sections 161 & 164 of

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Cr.P.C. In the statement dated 23rd December, 2018 she stated that she was in love with accused. On 11th March, 2018 she had accompanied the applicant. They stayed together. There was physical relationship. She went to Jonpur, Uttar Pradesh. She performed marriage in temple with applicant. In the statement under Section 164 of Cr.P.C. recorded subsequently on 11th January, 2019, she stated that applicant was chasing her. He forcefully took her to Nalasopara. He promised that he would perform marriage with her. There was physical relationship. She stayed with applicant. They went to Uttar Pradesh and performed marriage in temple.

3. Thus the statement of victim shows that there was physical relationship. Both stayed together. Victim was minor aged about 16 years. She admitted that she was in love with accused. The applicant is in custody for a period of about 2 years. Further detention of the applicant is not required. Hence, I pass the following order:

ORDER

- (i) Criminal Bail Application No. 1687 of 2020 is allowed;
- (ii) The applicant is directed to be released on bail in connection with C.R. No. 98 of 2018 registered with Wadala T. T. Police Station, Mumbai on executing PR. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

(iii) The applicant shall report concerned Police Station once in three month on first Saturday of the month between 11:00 a.m. to 1:00 p.m. till further order;

(iv) Application stands disposed of accordingly.

4. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

(PRAKASH D. NAIK, J.)