

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

**CRIMINAL BAIL APPLICATION NO. 322 OF 2021**

Akshay Satish Chandaliya .... Applicant

Versus

The State of Maharashtra and Anr. .... Respondents

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Mr. Tejas Hilage, for the applicant.

Mr. S.H. Yadav, APP for the State/Respondent.

Mr. Siddharth V. Gawande, for Respondent No. 2.

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**CORAM :SARANG V. KOTWAL, J.  
DATE : 19<sup>th</sup> MARCH, 2021**

**P.C. :**

1. The applicant is seeking his release on bail in connection with C.R.No. 72 of 2019 registered at Vishrantwadi Police Station, Pune, for the offences punishable under sections 363, 376(2)(I)(J) of the Indian Penal Code and under Section 3,4,7 and 8 of the Protection of Children from Sexual Offences Act.

2. Heard Mr. Tejas Hilage, learned counsel for the

applicant, Mr. Siddharth V. Gawande, learned Counsel for the Respondent No. 2 and Mr. S.H. Yadav, learned APP for the State.

3. The FIR is lodged by father of the victim on 06/03/2019. He has stated in the FIR that on 05/03/2019, at 8.15 a.m. he had brought his daughter to her school. His daughter was 15 years and 5 months of age. She had asked the informant to come at 3 O'clock in the afternoon to pick her up. When the informant went to pick up her, she was not found. He made inquiry with the school, neighbours and relatives etc. but she was not found and therefore on 06/03/2019, he lodged FIR about missing of his daughter and expressed his suspicion that somebody had abducted her. Subsequently investigation was carried out and it was found that the victim had in love with the present applicant and therefore other sections were added.

4. Learned Counsel for the applicant submitted that the victim in her statement recorded before the police as well as in the statement recorded under section 164 of Cr.P.C. has clearly

admitted that she on her own had accompanied the applicant and there was no force involved. He submitted that though the victim was minor at that time but the applicant is also a young boy. He is 20 years of age. It was a case of love affair. Therefore leniency should be shown to him.

5. Learned Counsel for the intervenor submitted that in case bail is granted to the applicant, stringent condition may be imposed on him so that there will not be further harassment to the victim.

6. Learned APP opposed this application. He submitted that admittedly victim was minor and therefore the applicant does not have defence of consent.

7. I have considered these submissions. Statements of victim are important. She had given two statements. First statement is recorded on 14/3/2019. It is recorded by the police. Second statement is dated 08/04/2019. It is recorded under

section 164 of Cr.P.C. In both these statements, she has stated that after her father had dropped her to the school, she came to Aalandi Road near a restaurant. The applicant was waiting there. The applicant took her to house of his friend. There they had their physical relations. Thereafter, the applicant took her to his another friend's house at Kamshet. The victim was left to reside with that family. The applicant used to visit her off and on.

8. On 11/03/2019, the applicant came to Kamshet with his parents. The applicant's parents told her that her family was searching for her and that she should return home. After that applicant's parents took the applicant back with them. On 12/3/2019, the applicant again went to Kamshet and met her. He told her that since her family was searching for her, he would drop her to her house. The applicant then took her with him in a local train and brought her to Khadki railway station. Thereafter the victim called her father to pick her up and then lodged this FIR.

9. Statements of the victim shows that the victim had

willingly left her house with planning and had stayed at house of applicant's friends. The applicant used to visit there. She had not raised any objection or had not raised any grievance. Thus, since the victim was minor and therefore ingredients of offence are satisfied, the applicant has to face the trial. Considering the young age of the applicant and also considering the statements of the victim, the applicant can be granted bail during pendency of the trial. However, as submitted by learned Counsel for the intervenor, conditions will have to be imposed on him.

10. Hence the following order.

### **ORDER**

- (i) In connection with C.R. No.72 of 2019, registered with Vishrantwadi Police Station, Pune, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The applicant shall not try to contact the victim or her family directly or indirectly.

- (iii) The applicant shall attend all dates of the trial in the Court.
- (ii) The application stands disposed of accordingly.

**(SARANG V. KOTWAL, J.)**