

Anand

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

BAIL APPLICATION NO. 3874 OF 2021

Vishal @ Raju Ananda Asnekar .Applicant

Vs.

The State of Maharashtra & anr. .Respondents

Mr. Kuldeep S. Patil i/b. Ms Saili N. Dhuru, Advocate, for the Applicant

Mr. P. H. Gaikwad, APP, for the Respondent No. 1 – State

Ms Sonia S. Miskin, Advocate, for the Respondent No. 2/
Intervenor

CORAM : VINAY JOSHI, J.

DATE : 02.05.2022

P. C.

. The applicant is seeking for regular bail in C. R. No. 252 of 2020 registered with the Radhanagari Police Station, District – Kolhapur for the offence punishable under Sections 376(N), 363, 366 of the Indian Penal Code and under Sections 6 of the Protection of Children from Sexual Offences Act (for short ‘POCSO’ Act).

2. It is the prosecution case that the applicant, a young boy had eloped with the young daughter of informant.

Both of them stayed at various places and had physical relationship. Initially, father of victim has lodged report against unknown person, since minor, aged 16 years and 9 months went missing at midnight. The victim in her statement stated that she was having love affair with the applicant. Both of them in pre-planned manner ran away from their house and stayed at various places. They took room on rental basis pretending to be husband and wife and stayed there for more than three months. After five months, both of them were caught by the police.

3. Learned APP as well as learned counsel for the intervenor opposed the bail by submitting that the statement of victim specifically says about the physical relationship with a minor. True, the victim is a minor. However, she was 16 years and 9 months old meaning thereby was of the age of understanding. Apparently, both of them ran away and stayed as husband and wife for a period of more than six months. Therefore, there was no element of force or compulsion. It reveals that the victim in her statement before the Magistrate improved her story that the

applicant has taken some objectionable photographs. However, again reverted back by giving another statement denying earlier one.

4. Investigation is complete and charge-sheet has been filed. Apparently, there was relationship amongst two youths. Whether they had physical relationship, is a matter to be established during the trial. Yet, charges are not framed. Having regard to these facts, applicant can be released on bail by putting him on certain conditions.

5. In view of that, following order.

ORDER

- (i) The Application stands allowed;
- (ii) The Applicant namely - Vishal @ Raju Ananda Asnekar in C. R. No. 252 of 2020 registered with the Radhanagari Police Station, District - Kolhapur for the offence punishable under Sections 376(N), 363, 366 of the Indian Penal Code and under Sections 6 of the POCSO Act, be released on bail on his furnishing P. R. Bond of Rs. 25,000/- with one or two sureties in the like amount;

(iii) The applicant shall not enter the territorial jurisdiction of the concerned police station till the conclusion of trial;

(iv) The applicant shall attend the concerned Police Station on every alternate Sunday in between 10.00 a. m. to 12.00 noon till the conclusion of trial;

(v) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.

6. The Application stands disposed of.

(VINAY JOSHI, J.)