

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1187 OF 2022

Vikram @ Viki @ Vikas Mauli Jadhav	...Applicant
V/s.	
The State of Maharashtra and Anr.	...Respondents

Mr. Jaydeep D. Mane, for the Applicant.
 Mr. V.B. Konde Deshmukh, APP, for the State.
 Mr. M.U. Rajput for Respondent No.2 (appointed).

CORAM	:	N.R. BORKAR, J.
DATE	:	23.11.2022.

PC. :

1. This is an application under Section 439 of Code of Criminal Procedure for grant of bail.

2. The applicant came to be arrested in Crime No. 663 of 2021 registered at Pandharpur City Police Station, Pandharpur, for the offence punishable under Sections 363, 376 of the Indian Penal Code (in short I.P.C.) and Section 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2021 and Section 4 read with 25 of the Arms Act.

3. I have heard the learned counsel for the applicant, the learned APP for the respondent No.1/State and the learned counsel for respondent No. 2.

4. The allegations are of kidnapping and rape.

5. I have perused the FIR lodged by the mother of the prosecutrix.

Perusal of the FIR reveals that there was a love affair between the applicant and the prosecutrix. It appears from the statement of the prosecutrix that after the alleged kidnapping, the prosecutrix stayed at the house of the applicant for 4 to 5 days. There is a statement of one Kirti Poul, which shows that prosecutrix was willingly staying with the present applicant. The learned APP submits that on the date of incident the prosecutrix was aged about 14 years and 18 months. However, in the FIR her mother has mentioned the age of prosecutrix as 16 years 11 months. Be that as it may. Considering the facts and circumstances, I am inclined to release the applicant on bail. In the result, the following order is passed:

ORDER

- A) The Bail Application is allowed.

- B) The applicant be released on bail in Crime No. 663 of 2021 registered at Pandharpur City Police Station, Pandharpur, for the offence punishable under Sections 363, 376 of the I.P.C. and Section 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2021 and Section 4 read with 25 of the Arms Act, on executing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

[N.R.BORKAR, J.]