

rajshree

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3618 OF 2021

Mohd. Altaf Mohd. Multan Ansari] .. Applicant

vs.

State of Maharashtra & Anr.] .. Respondents

Mr.Mintoo Gond a/w Kamlesh Mishra for the Applicant.

Mr.Babu Singh i/b Jigar Agarwal for the Intervenor.

Mr.S.V. Gavand, APP for the State.

PSI B.D. Chawan, Sakinaka Police Station present.

CORAM : BHARATI DANGRE, J

DATE : 18th NOVEMBER, 2022.

P.C.

1] On instructions, in furtherance of the last order, the learned APP informed that the victim girl is already married. In the wake of aforesaid statement, there is no question of performance of marriage between the Applicant and the complainant.

2] I have perused the charge-sheet. The Applicant is charged for committing offence punishable under Section 363, 376, 504, 506 of the Indian Penal Code read with 4, 8 and 12 of the POCSO Act.

3] The investigating agency was set into motion on the complaint filed by the grandmother of the victim, informing police that her granddaughter aged 16 years went missing and she learnt that she was abducted by the present Applicant.

It is pertinent to note that the Applicant is a young boy, aged 24 years. The victim girl was traced after 6 days and her statement came to be recorded on 06/12/2020 where she alleged that the Applicant had subjected her to forcible sexual intercourse.

4] The statement of the victim girl came to be recorded before the Magistrate on 23.12.2020, wherein, she has stated that she was acquainted to the Applicant as he was working in the same company where she was engaged. She stated that bond of friendship developed between them and he proposed to her. She categorically admitted that they shared a love relationship. She further stated that on 26.11.2020 the Applicant asked her as to whether she is ready to accompany him to Sherehand to which she consented and that is how on her own will she accompanied him to Vikhroli, where they stayed till 05.12.2020 during which physical contact was established between them.

In her statement recorded under Section 164 of the Cr.p.C. she do not utter any single accusation that physical relationship was established without her consent.

5] Considering the fact that the Applicant though minor was aged 17 years and capable of understanding the consequences of her act and she has categorically stated that she was in love with the Applicant and when she do not allege that physical indulgence was made without her consent, I deem it appropriate to release the Applicant on bail.

6] The observations made above are prima facie in nature and limited for the purpose of determination of the present Application and the learned Judge trying the Applicant for the offences, with which he is charged, shall not in any manner be influenced by the above order.

Hence, the following order :

ORDER

- (a) Application is allowed.
- (b) Applicant – Mohd. Altaf Mohd. Multan Ansari shall be released on bail in connection with C.R.No. 1285 of 2020 registered with Sakinaka Police Station on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.

The Applicant shall be released on cash bail of Rs.25,000/- for a period of six weeks in lieu of sureties. During the said period the applicant shall arrange for the sureties.

- (c) The applicant shall report to the concerned Police Station once in three months on Monday between 10.00 a.m. to 12.00 noon.
- (d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.
- (e) The Applicant shall regularly attend trial, on every date, unless he is exempted.
- (f) Upon release, the Applicants shall furnish their contact numbers and permanent residential addresses to the Investigating Officer and shall keep him updated in case of change in the same.

[BHARATI DANGRE, J]