

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.3524 of 2021

Mr. Sonu Balwantsingh Rawat	 Applicant
Versus	
The State of Maharashtra & Anr.	 Respondents

Mr. Vikramsingh Parmar for the Applicant.
Mrs. Rutuja Ambekar, APP for the State.
Mr. Mohd. Yakub Mohd. Shaikh for Respondent No.2.

CORAM: BHARATI DANGRE, J.

DATED : 20th JULY, 2022

P.C:-

1. The applicant face charge of Sections 363, 366 and 376 of the Indian Penal Code and Sections, 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012. He came to be arrested and on completion of investigation, charge-sheet was fled.
2. The complaint is filed by the mother of the victim girl aged 13 years, who reported to the police station that on 15.03.2021 her minor girl was not found at home and on search she was found missing. It was also divulged that an amount of Rs.20,000/- as well as her anklets were missing.

Missing complaint came to be lodged against some unknown person.

3. The victim girl was traced in Himachal Pradesh and her statement was recorded on 10.04.2021, where she stated that she was acquainted to the applicant aged 20 years and they established friendly relationship. She also specifically stated that there was a love affair between them and on one day, on noticing that she was chatting with the applicant, her mother slapped her. The applicant has disclosed to her mother that he wanted to marry her. The victim girl then taken to home and was scolded, but she continued to meet him, secretly without being divulging it to her parents.

4. In her statement, she further stated that in June 2020, on one occasion, when she went to the applicant's home, he committed sexual intercourse with her on the promise that he will marry her. Thereafter, they continued to meet with each other.

On 15.03.2021 the applicant is alleged to have put up a proposal to her for eloping with him and therefore she left the house in his company and eloped to Taluka Baddi, Himachal Pradesh, where she travelled with the him via Chandigarh and Delhi. She started residing with him and on pretext of marriage, the applicant committed sexual intercourse with her. On 07.04.2021, the couple was traced and she was produced in the police station, where the statement was recorded.

5. It is pertinent to note that when the victim girl was asked to subjected for medical examination on 10.04.2021, on being rescued, she refused to undergo examination and in the medical

history denied any sexual intercourse with her. Admittedly, no medical examination has been conducted.

6. The statement of the victim girl has been recorded u/s.164 of the Cr.P.C. before the learned Magistrate on 04.07.2021 when she is aged 15 years. In her statement, she admitted that she know the applicant, who is residing in her locality and she had established a love relationship with him since last one year and she had accompanied and eloped with the applicant. She stayed with him for 12-13 days, till the police came. She make a statement, that during her stay, the applicant did not establish any physical relationship with her and they stayed in the room of the friend of the applicant. She also stated that she was not harassed by the applicant and she had eloped with the applicant on her own wish.

7. In the wake of the aforesaid statement, it can be said that the victim girl has refused to undergo physical examination and in her statement recorded under Section 164 of the Cr.P.C., she denied any sexual indulgence at the instance of the applicant, though she stayed with him for about 12-13 days.

In the above circumstances, the applicant deserve his release on bail. Hence, the following order.

ORDER

- (a) Application is allowed.
- (b) Applicant - Sonu Balwantsingh Rawat shall be

released on bail in connection with C.R.No.88 of 2021 registered at Charkop Police Station on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.

(b1) The applicant shall be released on cash bail for a period of 6 weeks in lieu of sureties.

(c) The Applicant shall attend the concerned police station on every first Monday of the month from 10.00 am. to 1.00 pm.

(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. The Applicant should not tamper with evidence.

(e) The applicant shall not leave Mumbai without permission of the Special Court.

(f) The applicant shall furnish his contact number, place of residence and place of work to the Investigating Officer within a period of one week from today or being released on bail.

(SMT. BHARATI DANGRE, J.)