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

BAIL APPLICATION NO.3451 OF 2023

SURAJ BHAVESH HALDAR

..APPLICANT

VS.

THE STATE OF MAHARASHTRA AND ANR.

..RESPONDENTS

Adv. Jyotiram S. Yadav for the applicant.

Ms. Veera Shinde, APP for the State.

Adv. Saili Dhuru for respondent No.2.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 2, 2023.

P.C. :

- 1.** Heard learned counsel for the applicant, learned APP for the State and learned counsel for respondent No.2.
- 2.** This is an application for bail in respect of the offence punishable under Sections 363, 376(2)(n) of the Indian Penal Code (hereafter 'IPC' for short) and under Sections 4, 6 of the Protection of Children from Sexual Offences Act, 2012 (hereafter "POCSO Act", for short) registered on 20.12.2021 vide C.R. No.474 of 2021 with Nerul Police Station.

3. As per the prosecution the victim was 17 years of age. It is the complainant's case who is the mother of the victim that the applicant eloped with the applicant and started residing in Kolkata from 17.12.2021. The applicant was arrested on 22.02.2023. I have perused the statements of the victim recorded under Sections 161 and 164 of the Code of Criminal Procedure (hereafter "the Cr.P.C." for short). The victim in her statement recorded under Section 164 of the Cr.P.C. stated that she had voluntarily accompanied the applicant. The victim became pregnant.

4. The victim was personally present in the Court. The victim through her Advocate Saili Dhuru appointed by this Court submitted that she has no objection to the applicant's enlargement on bail as the victim is going to marry the applicant and has a child from such a relationship. The victim has now attained majority. Even on the date of the incident, as per the Aadhaar Card and Pan Card the victim appears to be of 18 years of age.

5. Learned counsel for the applicant on instruction voluntarily submitted that the applicant will be marrying the

victim.

6. Though learned APP opposed the application for bail, in the facts and circumstances of the present case I am of the opinion that the applicant can be enlarged on bail. The investigation is complete and the charge-sheet has been filed. Looking at the age of the applicant and considering that there are no criminal antecedents reported against the him, the applicant can be enlarged on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Suraj Bhavesh Haldar in connection with C.R. No.474 of 2021 registered with Nerul Police Station shall be released on bail on his furnishing P.R. Bond of Rs.15,000/- with one or more sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs.15,000/- for a period of 6 weeks in lieu of surety.
- (d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade

him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(e) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(f) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

7. The application is disposed of.

8. I appreciate the assistance rendered by Ms. Saili Dhuru, learned Advocate, who appeared on behalf of the respondent No.2. Learned advocate may be paid the fees as prescribed by the Legal Aid Services Authority or if not prescribed, the same is quantified at Rs.5000/-.

(M. S. KARNIK, J.)