

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

BAIL APPLICATION NO. 3228 OF 2024

Sumit Sanjay Aausarmal	...Applicant
Versus	
The State of Maharashtra & Anr.	...Respondents

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Mr. Sandeep R. Singh a/w Mr. Abhishek P. Kase, Advocate for the Applicant.

Mr. C. D. Mali, A.P.P. for the Respondent No.1 – State.

Mr. Prem Kumar Pandey a/w Mr. Pavan Pandey, Ms. Sneha Mishra and Ms. Kajal Mishra, Advocate appointed by Legal Aid for the Respondent No.2

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CORAM	:	N. R. BORKAR, J.
DATE	:	14th FEBRUARY, 2025.

P.C.:

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No.149 of 2024 registered at Phaltan Rural Police Station, Satara, for the offences punishable under Sections 363, 376 of the Indian Penal Code (IPC) and Sections 4 and 8 of the Protection of Children from Sexual Offences (POCSO).
3. The victim used to reside with her maternal uncle at Powai and acquired education upto 10th grade while residing there. Thereafter, her mother took her to Satara at their

family residence due to financial issues.

4. On the date of alleged incident which took place on 02.02.2024, the informant had gone for labour work whereas the victim, her brother and grandparents were at home. After about 4.00 p.m. the victim left from home and was nowhere to be seen thereafter. Despite due and diligent search of the victim, she was not found. Therefore, the mother of the victim lodged the present FIR against an unknown person for kidnapping the victim.

5. On 05.02.2024, the victim was found with the applicant in Powai. Thereafter, her statement was recorded, wherein she has stated that she is in a love relationship with the applicant since 07.02.2023. The victim was having conversations on phone with the applicant and the same was known to her mother and aunt. On 02.02.2024, the applicant had called her to Mumbai, after which they went to Shirdi by S.T. and stayed there in a lodge where they had physical relations. Subsequently, they went to Thane on 03.02.2024 where the victim stayed at her friend's house for two days. As stated earlier on 05.02.2024, they were apprehended.

6. The applicant is in jail for more than one year. Considering the overall facts and circumstances, I am inclined to release the applicant on bail.

ORDER

- (i) Criminal Bail Application is allowed;
- (ii) The applicant is directed to be released on bail in connection with Crime No.149 of 2024 registered at Phaltan Rural Police Station, Satara, for the offences punishable under Sections 363, 376 of the IPC and Sections 4 and 8 of the POCSO on executing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;
- (iii) Application stands disposed of accordingly.

(N. R. BORKAR, J.)