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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.6338 OF 2016

Somnath s/o Angad Kadam,
Age: 24 years, Occ: Agri.,
R/o. Deolali, Tq. Bhoom,
Dist. Osmanabad. ..APPLICANT

VERSUS

The State of Maharashtra,
Through Police Station Paranda,
Dist. Osmanabad. ..RESPONDENT

Mr S.S. Deshmukh, Advocate for applicant;
Mr A.D. Namde, Addl. Public Prosecutor for
respondent

CORAM : A.S. CHANDURKAR, J.

DATE : 20th DECEMBER, 2016

ORAL ORDER :

Heard.

2. The applicant apprehends his arrest in connection with Crime No.160 of 2016, registered at Paranda Police Station, District Osmanabad, for the offences punishable under Sections 363 and 366-A of the Indian Penal Code.

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3. As per the first information report lodged by one Somnath Tambe, it is stated that his daughter Archana was in love with the present applicant and that from 1st September, 2016 she was found missing. It was stated that his daughter was aged 17 years 10 months and was therefore minor.

4. It is submitted by the learned Counsel for the applicant that said Archana was born on 22nd July, 1998 and that she had married the present applicant on 2nd September, 2016. At that point of time, she was above age of 18 years. It is submitted that the applicant and Archana are residing together and hence, no offence, as such, is made out against the present applicant.

5. The application is opposed by the learned Additional Public Prosecutor by submitting that the age of daughter of the informant is shown as 17 years 10 months and hence, she was minor at that point of time. It is submitted that in view of these facts, the applicant does not deserve to be

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protected.

6. Perused the police papers as well as the documents filed on record. The Unique Identification Card of said Archana indicates that her date of birth as 22nd July, 1998 and hence, she was above age of 18 years on 2nd September, 2016 when she married the applicant. Her affidavit to that effect is also placed on record. Considering these facts, I am inclined to confirm the interim order granted earlier.

7. In view of aforesaid, the following order is passed : -

(i) In the event of applicant's arrest, in connection Crime No.160 of 2016, registered at Paranda Police Station, District Osmanabad, for the offences punishable under Sections 363 and 366-A of the Indian Penal Code, he shall be released on bail on furnishing P.R. bond of Rs.15,000/-, with one surety in the like amount.

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(ii) The applicant shall co-operate with the investigation and attend the concerned police station as and when directed.

(iii) The applicant shall not take any steps to influence the prosecution witnesses.

8. The observations made in this order are only for the purposes of deciding present application.

9. Criminal Application is allowed and disposed of.

(A.S. CHANDURKAR, J.)

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