

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

ANTICIPATORY BAIL APPLICATION NO.30 OF 2016

Santosh Ramchandra Kamtekar ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Yashodhan Gavankar for the Applicant.

Ms G.P. Mulekar, APP for the Respondent -State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 18th JANUARY, 2016.

P. C. :

This is an application for anticipatory bail filed by the aforesaid Applicant in apprehension of his arrest in C.R. No.149 of 2015 registered at Kankavali Police Station, District-Sindhudurg, for offences punishable under sections 498A and 494 of the IPC and section 4 of the Protection of Children from Sexual Offences Act, 2012.

2. The allegations against the Applicant in brief are that in the year 2010 he had sexually abused a minor girl. He had thereafter married her and subsequently in the year 2015 married another lady during the subsistence of previous marriage.

3. Heard Mr.Yashodhan Gavankar, the learned counsel for the Applicant and Ms G.P. Mulekar, the learned APP for the Respondent -State.

4. The victim had alleged that in the year 2010 the Applicant had sexual intercourse with her. The records prima facie reveal that the victim was born on 23.6.1995. The records prima facie reveal that as on the date of the alleged incident the victim was 17 years of age. The records further reveal that the victim and the Applicant were married on 16.12.2013. The victim was major as on the date of the marriage. The victim had lodged the complaint in the year 2015 i.e. about 3 years, after attaining the age of majority. The records prima facie reveal that the Applicant is roped in a rape case mainly because he has allegedly remarried during subsistence of the previous marriage. Even otherwise prima facie there is no marriage certificate or any other documentary evidence to substantiate the said allegations. The facts and circumstances of the case do not justify custodial interrogation. The Applicant is a permanent resident of Kankavali, District Sindhudurg, hence, there are no chances of the Applicant absconding. There are no criminal antecedents against the Applicant.

5. Under the circumstances, the application for anticipatory bail was allowed on the following terms and conditions:-

(i) In the event of arrest of the Applicant in C.R. No.149 of 2015 registered with Kankavali Police Station, District-Sindhudurg, the Applicant shall be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand only) with one surety to the like amount to the satisfaction of the Special Court, Sindhudurg.

(ii) The Applicant shall report to the Investigating Officer for four days from 10.00 a.m.to 1.00 p.m. from the date of the receipt of the order.

(iii) The Applicant shall not leave Sindhudurg District till filing of the charge-sheet without prior permission of the Special Court, Sindhudurg.

(ANUJA PRABHUDESSAI, J.)