

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 433 OF 2016

Ram Babulal Waghmare	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Nazneen Contractor, Advocate for the applicant.

Mrs. P.P. Shinde, APP for the State.

Mr. S.S. Shinde, P.S.I. Aarey Police Station present.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **14th March, 2016.**

P.C.:

This Application is moved for pre-arrest bail, as the applicant/accused is facing charges under sections 363, 376 of Indian Penal Code r/w. Section 12 of Prevention of Children from Sexual Offences Act in C.R. No. 52 of 2015 registered with Aarey Police Station, Mumbai.

2. It is the case of prosecution that the prosecutrix is 14 years old. She is studying in 5th Standard. The applicant/accused used to meet the girl and on 25th April, 2015, she left the house and didn't return. The applicant/accused took the prosecutrix to his maternal aunt. They stayed there for 15 days. At that time, they had sexual relationship. When the prosecutrix wanted to return home, applicant dropped her at her residence. Then she was sent to remand home. Thereafter again, the applicant contacted her and promised her to marry. So, she went with him. The applicant again took her to his maternal aunt's house and they stayed there

for 10 days. The applicant had sexual intercourse with her. Then he took her to one room and there was one lady which is disclosed her as his wife and they had one son. Thereafter, the complaint is lodged. Hence, this Application.

3. The learned counsel for the applicant/accused has submitted that applicant is 22 years old. It is a case of love affair. The prosecutrix eloped twice with the applicant/accused. The applicant/accused is ready to cooperate the police and he has not contacted the prosecutrix since last 7 to 8 months. The learned counsel, therefore, prays that the applicant be granted pre-arrest bail.

4. Learned APP while opposing the Application has submitted that the prosecutrix is 14 years and 8 months when she went with applicant/accused and the applicant had sexual intercourse with her.

5. Perused the FIR, statement of the prosecutrix and the medical certificate. The prosecutrix was 14 years and 8 months old when the incident had taken place. On query, it is informed that applicant/accused is married. Under such circumstances, I am not inclined to grant anticipatory bail to the applicant/accused. Hence, Anticipatory Bail Application is rejected.

(MRIDULA BHATKAR, J.)