

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 2063 OF 2016

Sandeep Murlidhar Temkar

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Ms. Anjali Patil Advocate for the Applicant.

Ms. Veera Shinde APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : 13th DECEMBER, 2016.

PC :

1) Heard. This is an application under Section 438 of Cr.P.C. The applicant herein is apprehending his arrest in C.R.No.140/2016 registered at Manchar Police Station, Dist. Pune.

2) The applicant is a student studying in Smt. Radhikabai Medhe School. It is the case of the prosecution that on 9.8.2016, Ms. 'X' Lodged a report at the police station that she is 17 years and 8 months old. After passing her Secondary School Certificate Examination, she was studying in 11th and 12th Standard at Mahatma Gandhi Junior College, Manchar. She met the present

ism

applicant. They got acquainted with each other. Acquaintance had turned into love for each other. From January 2016 to April 2016, Ms. X used to visit the house of the applicant. According to the first informant, the applicant had assured that he would get married to her and on that count they had sexual intercourse on several occasions. That after passing her Higher Secondary School Certificate Examination (12th Std.), she had taken admission at Mehta College, Airoli. On 7.8.2016, her aunt enquired with her since she had observed changes in her physical constitution. At that time, the first informant had informed her aunt that she had not got menses since 29.3.2016. She was taken to Bloom Hospital, Airoli, and was examined. Thereafter, she was taken to KEM Hospital, where she was informed that she has conceived pregnancy which is almost four months old.

3) Upon perusal of papers of investigation, it appears that it is rather a case of consensual sex. The learned APP submits that the applicant has abided by the conditions imposed by the order dated 01/12/2016. For the reasons assigned in the order dated 01/12/2016 and the material collected in the course of investigation, the order dated 01/12/2016 deserves to be confirmed.

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest, applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.
- (iii) Applicant shall report to the police station as and when called.
- (iv) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)