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

CRIMINAL BAIL APPLICATION NO.577 OF 2017

Lakhan Ashok Jadhav	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.S.P.Chaudhari i/b Maharashtra Law Associates, for the Applicant.

Ms.S.S.Kaushik, A.P.P. for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.

DATE : 3rd APRIL, 2017

P.C. :

1. Heard learned counsel for the Applicant and learned APP for the Respondent - State.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.230 of 2016 registered with the Vaduj Police Station, Satara, for the alleged offences punishable under Sections 363, 366(A) and 376 of the Indian Penal Code and under Sections 4 and 8 of the Protection of Children from Sexual Offences Act.

3. Learned Counsel for the applicant states that it is a case of love affair. He submitted that at the relevant time the applicant was about 21 years of age and the victim girl was about 17 years. He submitted that the victim girl had gone on her own accord with the applicant and that it is a case of consent.

4. Learned APP opposed the bail application.

5. It appears from the statement of the prosecutrix aged about 17 years that the applicant had told her that they would get married, pursuant to which she went with the applicant. She has stated that thereafter they went to a temple and that the applicant purchased green coloured bangles and dress for her. She has further stated that thereafter, the applicant booked a room and that they started residing there, where the applicant had physical relations with her and that on 2 occasions. According to the complainant, the applicant's aunt and uncle had also visited them, in the said room. She has stated that she had stayed at the said place from 23rd September, 2016 to 26th September, 2016 i.e. till the police found her and the applicant and brought them to the Vaduj Police Station. It appears from

the statement of the owner of the premises where the applicant and the victim girl were residing that on enquiry the applicant had given his name as Lakhan Ashok Jadhav and disclosed that the victim girl was his wife.

6. Although it is argued that it is a case of love affair, it appears that the prosecutrix was a minor at the relevant time and hence consent is immaterial. Considering the peculiar facts of this case, the fact that charge-sheet is filed and that the applicant has been in custody since 26th September, 2016, the application is allowed and the applicant is enlarged on bail on the following terms and conditions:-

ORDER

- i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.20,000/- with one or two sureties in the like amount;
- ii) The Applicant shall attend the concerned Police Station, on first Monday of every month, between 10:00 a.m. to 12:00 noon, till the conclusion of the trial;
- iii) The Applicant shall inform his latest place of residence and

mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the trial Court as well as to the concerned Police Station, in writing;

iv) The Applicant shall not contact the prosecutrix or any persons concerned with the case;

v) The Applicant shall co-operate in the conduct of the trial.

7. The Application is allowed and disposed of in above terms.

8. It is made clear, that the observations made herein, are prima-facie, for the purpose of deciding this application.

9. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)