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

ANTICIPATORY BAIL APPLICATION NO.680 OF 2017

Satlingappa Gangadhar Chitte

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.P.G.Sarda, for the Applicant

Mr. S. H. Yadav, A.P.P for the Respondent-State

PSI – P.R.Kamble, Valsang Police Station, Solapur.

CORAM : REVATI MOHITE DERE, J.

DATE : 19th APRIL, 2017

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P.
2. By this application, the applicant seeks interim protection, in connection with C.R. No. 118 of 2017 registered with the Valsang Police Station, Solapur, for the alleged offences punishable under Sections 376 of the Indian Penal Code and under Section 8 and 12 of Protection of Children from Sexual Offences Act, pending the hearing and final disposal

of Criminal Bail Application No.352 of 2017, which is pending on the file of the learned Additional Sessions Judge, Solapur.

3. Learned Counsel for the applicant states that it is a case of love affair between the prosecutrix, who at the relevant time was 16 ½ years and the applicant, aged 21 years. He submitted that the prosecutrix and the applicant were in a relationship and pursuant to the same, the prosecutrix got pregnant. He submitted that the parties i.e. the applicant and the prosecutrix have filed a quashing petition in this Court. He relied on the affidavits filed in the said application.

4. Learned APP submitted that consent is immaterial, since the prosecutrix was a minor, at the relevant time.

5. No doubt consent is immaterial, considering the fact that the prosecutrix was a minor. However, considering the peculiar facts of this case, the applicant is granted interim protection pending the hearing and final disposal of the Criminal Bail Application No.352 of 2017, which is pending on the file of the learned Additional Sessions Judge, Solapur, on

the following terms and conditions :

ORDER

(i) In the event of the arrest, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/-, with one or two sureties in the like amount.

6. The application is accordingly disposed of on aforesaid terms.

7. It is made clear, that the learned Judge shall decide the main application being Criminal Bail Application No.352 of 2017 on its own merits, uninfluenced by the observations made in this order.

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

REVATI MOHITE DERE, J.