

Anand

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

BAIL APPLICATION NO. 2641 OF 2017

Anand Narsing Pawar

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr. A. P. Mundargi, Senior Counsel i/b. Mr. M. P. Dalvi, for the
Applicant

Mr. S. H. Yadav, APP, for the Respondent – State

CORAM : A.S.GADKARI, J.

DATE : 05.12.2017

P.C.

. This is an Application under Section 439 of Cr. P.C. for bail
in CR No. 563 of 2017 registered with Satara City Police Station under
Sections 363, 366, 376 of the Indian Penal Code and under Sections 3, 4
& 17 of the Protection of Children from Sexual Offences Act.

2. The first information report is lodged by Shri Umesh P.
Pawar, the uncle of victim girl namely Ms Gayatri. The first information
report was initially lodged against unknown persons under Section 363
of the Indian Penal Code and subsequently, Section 376 of the Indian
Penal Code and the provisions of POCSO Act are applied to the present
crime. The provisions of POCSO Act are applied to the present crime on

the assumption that the victim girl was aged about 17 years and 11 months on the date of incident.

3. Perused the record investigation.

4. The victim girl in her statement recorded under Section 164 of Cr. P. C. by the Judicial Magistrate First Class, 10th Court, Satara has in unequivocal terms stated that she was having an affair with the Applicant and they decided to marry. That accordingly on 17.07.2017 at her own free will she left the house of her parents and joined the company of Applicant. That they went at Kurundwad, District – Kolhapur and performed marriage by executing a notarised document before a Notary. That the victim girl, thereafter, for a period of one month was in the company of Applicant and visited various places of interest including the religious place namely Vaishno Devi. She has stated that her date of birth is 08.06.1999 and on the date of incident, she had completed 18 years of age.

5. Be that as it may. The record clearly indicates that on the date of incident, the victim girl was aged 17 years and 11 months and had attained the age of understanding and discrimination. The victim girl has categorically stated that at her own free will, she has performed marriage with the Applicant.

6. In view of the above, Applicant can be released on bail.

Hence, the following Order:

- (i) The Applicant be released on bail in CR No. 563 of 2017 registered with Satara City Police Station on his furnishing PR bond of Rs. 25,000/- with one or two solvent local sureties in the like amount;
 - (ii) After his release from the jail, the Applicant shall attend the concerned Police Station every alternate Monday of the month between 10.00 a.m. to 1.00 p.m. till submission of charge-sheet;
 - (iii) Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.
7. Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)