IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No.78 OF 2018

Kisan @ Krushna Hari Bhuse … Appellant

Vs.

The State of Maharashtra & ors. … Respondents

Mr.Shankar Katkar i/b Manisha A. Devkar for the Appellant

Ms.M.H. Mhatre, APP, for the Respondent – State

CORAM: Mr.S.S. SHINDE &
Mrs.MRIDULA BHATKAR, JJ.

DATED: OCTOBER 1, 2018

P.C. :

1. The prayer for bail was made by the appellant/accused in this Criminal Appeal wherein the appellant/accused is prosecuted for the offences punishable under section 363 of the Indian Penal Code, under section 8 and 12 of Protection of Children from Sexual Offences Act and under sections 3(i), 3(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. The learned Counsel for the appellant/accused and the learned Prosecutor informed that the chargesheet is filed. Our attention is drawn to the earlier order dated 18.7.2018 by which the

Vishwanath Satyanarayana Sherla

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Date: 2018.10.03 11:21:58 +0530

Division Bench of this Court has granted interim bail mainly on the ground that the statement of the prosecutrix revealed that the prosecutrix had gone on her own accord with the appellant. They had stayed together as husband and wife and not only that they also got married. The couple has a baby who was born on 13.7.2018. The date of birth of the prosecutrix as informed by the learned Prosecutor is 1.1.2000 and the alleged incident has taken place on 11.4.2017. Thus, as per the case of the prosecution, the prosecutrix has completed 17 years of age at the time of the incident. Both the prosecutrix and the accused are present in the Court and on query, the prosecutrix states that she is residing with the appellant happily and they have a 2 months old baby boy.

3. In view of this, the earlier order of bail is hereby confirmed with the same bail bond and surety and also on the same terms..

4. Appeal is disposed of accordingly.

(MRIDULA BHATKAR, J.) **(S.S. SHINDE, J.)**