

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.333 OF 2018

Vicky Dhiraj Mahida, Age 24 years,
R/o.Room No.52, Gokhale Nagar,
Opp.Sulekha Building, Powai,
Mumbai

(Presently lodged at Thane Jail)

Applicant

versus

The State of Maharashtra

Respondent

Mr.Sandeep D. Sherkhane for applicant.

Mr.S.R.Agarkar, APP, for State.

Ms.Priyanka Chhabria for intervenor.

CORAM : PRAKASH D. NAIK, J.

DATE : 3rd December 2018

PC :

1. This is an application for bail in CR No.313 of 2017 registered with Powai Police Station for offences under Sections 376, 376(2), 506 of Indian Penal Code r/w Sections 4, 8 and 12 of Protection of Children from Sexual Offences Act, 2012. The FIR was lodged on 3rd July 2017 by the father of victim. Initially the complaint was lodged u/s 363 of IPC. The victim was traced and her statement was recorded on 14th July 2017 and 7th July 2017. The tenor of the statements depict that the victim and the applicant-accused were known to each other and they were in relationship. The victim was aged about 17 years 9 months at the time of incident. The victim and applicant had developed friendship. She had conceived. She has also stated in her statement that she had performed marriage with the applicant-accused. Today the victim is aged about 19 years. Learned counsel for victim tenders an affidavit sworn by victim on 3rd December 2018. In the said affidavit she has stated that she had a

love affair with the applicant and her marriage was solemnized on 25th May 2017 at Ram Mandir, Nirmal Nagar Bandra. She has also given birth to a baby girl. It is further submitted that the parties of the victim and the applicant have accepted their marriage and the family dispute is resolved. She has attained the age of majority and applicant's parents have accepted the victim and her baby. The affidavit is taken on record and marked "X" for identification.

2. The victim and her mother is present in the Court. Apparently the relationship was consensual. The applicant is in custody for more than one year and three months. The victim has given no objection for granting bail to the applicant in her affidavit dated 3rd December 2018.

3. Considering above facts and circumstances, case for bail is made out. Hence, I pass following order :

ORDER

- (i) Criminal Bail Application No.333 of 2018 is allowed and disposed off;
- (ii) The applicant is directed to be released on bail in connection with CR No.313 of 2018 registered with Powai Police Station, on furnishing PR bond in the sum of Rs.20,000/- with one or more local sureties in the like amount;
- (iii) The applicant is permitted to furnish cash security in the sum of Rs.20,000/- for a period of six weeks.

(PRAKASH D. NAIK, J.)