

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

BAIL APPLICATION NO.925 OF 2018

Machhindra Appaji Patil	.. Applicant
Vs.	
State of Maharashtra	.. Respondent

.....

Mr.Ashok Mundergji, Senior Advocate i/b. Mr.Sajeev P. Kadam,
Advocate for the Applicant.

Mjr.A.R. Kapadia, APP for the Respondent – State.

Mr.Vijay Patil a/w. Mr.Rushikesh Patil, Advocate for the
intervener-first informant.

.....

CORAM : PRAKASH D. NAIK, J.

DATED : SEPTEMBER 28, 2018.

P.C. :

This is an application for bail in connection with C.R. No.317 of 2017, registered with Kalachowky Police Station, Mumbai for the offences punishable under Sections 376(2)(i)(n) and 323 of Indian Penal Code (For short “IPC Act”) read with sections 6 and 10 of Protection of Child From Sexual Offences Act (For short “POCOS Act”) AND Sections 9, 10 and 11 of Child Marriage Prevention Act. Applicant was arrested on 14th December, 2017. Investigation is completed and charge-sheet is filed. Apparently, the first informant was minor aged about 17 years at the time when the complaint was lodged. The FIR was

lodged on 13th December, 2017. It was alleged that the victim's mother was frequently falling ill and most of the time she was looked after by her grandfather. Her grandparents insisted that she should marry accused and she was not inclined as she was studying and accused was aged person. Marriage was solemnized with accused on 21st April, 2015 in temple in the presence of about twenty persons. There was physical relationship. It is alleged that the accused is an advocate. Presently, the complainant has attained age of majority. Learned counsel Mr. Vijay Patil appears for the first informant. The affidavit sworn by the first informant/victim is tendered across the bar. First informant is also present in the Court. It is submitted by the learned counsel for the applicant that the parties have resolved the dispute. First informant and her Father, grandfather and grandmother, are present in Court. Investigating officer confirmed the identity of the first informant as well as her father, grandfather and grandmother. Affidavit tendered by the first informant indicate that she is major and her date of birth is 17th September, 2000, and, she is filing the present affidavit at her own wish and without any coercion or any misrepresentation. She has given no objection for release of the applicant on bail. It is also stated that the complaint was filed in anger and

misunderstanding about the applicant. Presently, her family i.e. her Father, grandfather and grandmother and other relatives came together and decided to resolve the dispute amicably. Accordingly, the dispute has been settled by the parties amicably. The affidavit dated 28th September, 2018, is taken on record and marked “X” for identification. It is noted that the first informant who had lodged the complaint has filed the aforesaid affidavit. Applicant is in custody from the date of arrest and further detention of the applicant is not necessary. Charge-sheet is already filed after completion of investigation.

2 It is submitted by the counsel for the applicant that admittedly it is a part of record that six acres of land has been transferred in the name of the first informant by the applicant. First informant who is present in the Court confirmed that there is settlement between the parties and the first informant is willing to join the applicant after his release on bail. The father, grandfather and grandmother has also asserted that parties have settled dispute and confirmed execution of affidavit by first informant. The first informant has also confirmed execution of affidavit.

3 In the light of aforesaid factual aspects, bail is granted to the applicant.

4 Hence, I pass the following order:

:: O R D E R ::

- (i) Bail Application No.925 of 2018, is allowed;
- (ii) Applicant is released to be released on bail in connection with C.R.No.317 of 2017, registered with Kalachowky Police Station, Mumbai on his furnishing P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;
- (iii) Applicant is directed to report Kalachowky Police Station, Mumbai, on first Saturday of every month between 10:00 a.m. to 12:00, till further order;
- (iii) Applicant is permitted to furnish cash security of Rs.25,000/-, for a period of six weeks;
- (iv) Bail Application No.925 of 2018, stands disposed of.

(PRAKASH D. NAIK, J.)