

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

CRIMINAL BAIL APPLICATION NO.2003 OF 2018

Ganesh @ Niketan Laxman Raiveni (Now in Arthur Road Central Prison)	.. Applicant
Vs.	
State of Maharashtra	.. Respondent

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Ms.Afshan G., Advocate for the Applicant.
Mr.Y.Y. Dabake, APP for the Respondent – State.
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CORAM : PRAKASH D. NAIK, J.

DATED : SEPTEMBER 4, 2018.

P.C. :

This is an application for bail. Applicant is arrested on 3rd May, 2018, in connection with CR No.11 of 2018, registered with Bandra Police Station, Mumbai. Initially, FIR was lodged for the offence punishable under Section 363 of IPC. Subsequently, offences were registered under Sections 366, 376 of IPC and under Sections 4, 8 and 12 of the POCSO Act.

2 According to the prosecution, on 6th January, 2018, the victim girl who is aged about 17 years had been to Bandra Railway Station to fetch her friend. Accused called her on phone and asked her to meet him at Bandra Reclamation. Therefore, she

went there to meet him. Accused made her to sit in rickshaw and brought her to Bandra Railway Station. From there they went to the house of the applicant at Nalasopara. At his house, applicant's mother gave understanding to the him. Thereafter, applicant and the victim girl boarded in a bus and went to Hyderabad. From Hyderabad, they went to Golapalli and there they stayed for some days to the house of paternal aunt of the applicant-accused. The applicant-accused then constructed new home and both started residing together. Thereafter, the victim had conceived. Both, thereafter, performed marriage on 19th April, 2018, in one Temple. On 2nd May, 2018, police came there along with mother of the victim girl. The custody of the victim was given to the mother on 3rd May, 2018. FIR was registered. Investigation is completed and charge-sheet is filed.

3 It is also noted that she was being examined by the medical officer, after registration of the FIR. She has narrated the story which is reflected in her aforesaid statement. The photographs which are annexed to the application also indicate that the victim and the applicant-accused had solemnized marriage. However, it appears that the supplementary statement of the victim was recorded after a period of one month, where she

has changed her version. The statement under Section 164 of Cr.P.C. was also recorded, which also reiterates the fact, which are reflected in the statement dated 3rd May, 2018.

4 Learned APP submitted that the victim girl was aged about 17 years at the time of incident. He relied upon supplementary statement of the victim, which also refers the relationship. However, it is mentioned that the applicant had threatened her to indulge into the alleged act.

5 Considering the consistent version of the victim in the statements recorded under Section 164 of Cr.P.C., as well as, earlier statement recorded on 3rd May, 2018, and the medical history, it appears that there is consensual relationship between the applicant and the victim girl. Therefore, considering the aforesaid circumstances, case for grant of bail is made out.

6 Hence, I pass the following order:

:: ORDER ::

- (i) Bail Application No.2003 of 2018, is allowed;

- (ii) The applicant is directed to be released on bail in connection with CR No.11 of 2018, registered with Bandra Police Station, Mumbai, on his furnishing P.R. Bond in the sum of Rs.20,000/-, with one or more sureties in the like amount;
- (ii) Applicant is directed to attend Bandra Police Station, Mumbai, once in a month on first Friday of the month between 10:00 a.m. to 12:00 noon, till further orders:
- (iii) Applicant shall not tamper with the evidence;
- (iii) Bail Application No.2003 of 2018, stands disposed of.

(PRAKASH D. NAIK, J.)