

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.1646 OF 2018

Mangesh Shankar Narshe

Applicant

versus

The State of Maharashtra

Respondent

Mr.Gautam J. Jain for appoicant.

Ms.A.A.Takalkar, APP, for State.

Mr.S.B.Manwar, PSI, Talasari Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 28th August 2018

PC :

1. The applicant apprehends arrest in connection with CR No.I-42/2018 registered with Talasari Police Station, Palghar for offences under Section 376 of Indian Penal Code and Sections 4, 8 and 12 of Protection of Children from Sexual Offenses Act, 2012 ('POCSO').

2. The prosecutrix is aged about 17 years at the time of lodging of first information report. It is alleged that the prosecutrix had a love affair with applicant who had promised her of marriage and committed sexual intercourse against her wish.

3. The FIR was thereafter lodged on 21st March 2018. On perusal of the FIR, it appears that the victim and the accused were in relationship. There was physical relationship between them on several occasions. Although the applicant is aged about 21 years and the victim was 17 years old at the time of lodging of FIR, the

relationship continued between both the parties since 2017. Although the victim was minor at the time of incident, it appears that the relationship was consensual in nature. It is true that the consent is immaterial since the prosecutrix is minor. However, taking into consideration the nature of relationship, custodial interrogation of the applicant is not necessary and the anticipatory bail can be granted to the applicant.

4. Hence, I pass following order :

ORDER

- (i) Anticipatory Bail Application No.1646 of 2018 is allowed;
- (ii) In the event of arrest of applicant in connection with CR No.I-42/2018 registered with Talasari Police Station, Palghar, the applicant be released on bail on furnishing PR bond in the sum of Rs.15,000/- with one or more sureties in the like amount;
- (iii) The applicant shall attend the Investigating Officer of Talasari Police Station, Palghar once in a week on every Saturday between 10 a.m. and 12 noon till filing of charge sheet; and after filing of the charge sheet, once in a month on every first Saturday of the month between 10 a.m. and 12 noon till further orders;
- (iv) Criminal Anticipatory Bail Application No.1646 of 2018 is disposed off.

(PRAKASH D. NAIK, J.)

MST