

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

**ANTICIPATORY BAIL APPLICATION NO. 252 OF 2019**

|                          |     |            |
|--------------------------|-----|------------|
| Manik Kallappa Chavan    | ... | Applicant  |
| Versus                   |     |            |
| The State of Maharashtra | ... | Respondent |

Mr. Ujwal Agandsurve for the Applicant.  
Mr. S.H. Yadav, A.P.P. for the Respondent – State.  
Mr. Prosper D’Souza for Original Complainant.  
Mr. B.D. Bhusnar, A.P.I. Salgar Vasti Police Station, Solapur City, present.

**CORAM : P.N. DESHMUKH, J.**

**DATED : 8<sup>th</sup> APRIL, 2019.**

**P.C. :**

1            Heard learned Counsel for applicant and learned A.P.P.  
Perused the copy of charge-sheet. Investigating Officer present.

2            This application is by co-accused involved in Crime No.2 of  
2019 registered with Salgar Vasti Police Station, Solapur, for the offences  
punishable under Sections 363, 366, 376 of I.P.C. and 4, 5, 8, 12 and 18 of  
POCSO Act. Learned Counsel for applicant on the basis of documents  
forming part of charge-sheet submitted that no role is attributed to  
applicant attracting provisions of Section 376 of I.P.C. or under the POCSO  
Act and thus, contended that as prosecutrix was in love with co-accused

Deepak Pawar and willingly got married with him, applicant be protected from his arrest.

3            Learned A.P.P. opposed the application contending that there is direct evidence against the applicant to have played active role in eloping minor girl from lawful custody of her parents and thereby compelling her to marry his cousin brother co-accused Deepak Pawar inspite of having knowledge that girl is minor, who was thereafter, subject to physical relations. Prosecution has, therefore, prayed for rejection of application.

4            Though charge-sheet in present crime is filed, applicant is specifically involved in the report by mother of prosecutrix, wherein he is found to have played active role in eloping minor girl aged 14 years from the lawful guardianship of her parents and is further found to be instrumental in providing shelter to her in his house and is also found to have committed assault on complainant, and one of her relations when they visited applicant's house to take back their daughter.

5            Contents of report as aforesaid are duly found corroborated from the statement of victim girl, who is minor, which are further substantiated from the injury reports of complainant Krishna and her relation. In view of medical reports, statement of prosecutrix as well as role attributed to applicant in the report as he is found involved in the

present crime and from the School Leaving Certificate as prosecutrix is found to be minor who from the medical report is found subjected to sexual assault. Submissions advanced on behalf of applicant to urge that he has not participated in the present crime, does not find to be convincing at all.

6            In the circumstances, application stands disposed of as dismissed.

**(P.N. DESHMUKH, J.)**