

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

CRIMINAL BAIL APPLICATION NO.1534 OF 2019

Santosh Appasaheb Mane

.... Applicant

versus

The State of Maharashtra & Ors.

.... Respondents

.....

- Mr.Niranjan Mundargi i/b. Rishikesh Mohite, Advocate for Applicant.
- Mr.Agastya Desai, Advocate for Respondent Nos.2 and 3.
- Mr.S.H. Yadav, APP for the State/Respondent.
- HC Mr.Ajay Narayan Sawant, Sangli City Police Station, present.

CORAM : SARANG V. KOTWAL, J.

DATE : 11th JULY, 2019

P.C. :

1. The Applicant is seeking bail in connection with C.R.No.186/19 registered with Sangli City Police Station, Sangli, under sections 354, 506 of the Indian Penal Code and under sections 8 and 12 of Protection of Children from Sexual Offences Act, 2012.

2. The Applicant is arrested on 11/05/2019 and since then he is in custody.
3. The FIR is lodged by victim herself. She was 17 years and 9 months of age at the point of lodging of FIR. According to her, the Applicant was a distant relative of the victim and she was well acquainted with him. On 08/05/2019, she had to appear for CET examination. The Applicant took her to Sangli. They went to a room in a lodge by the name Hotel Swagat. It is her case, that, in the room, the Applicant physically misbehaved with her. It is her further case that the Applicant snapped some photographs of the victim. Thereafter he started threatening her. He told her that he would marry her and that she should not marry anyone else. Thereafter the first informant lodged her FIR on 10/05/2019. The Applicant was arrested and is in custody since then.
4. On the last occasion, the learned Counsel for the Applicant Mr.Mundargi had sought leave to add the parents of the victim as party Respondents. The amendment was carried

out and today, the parents of the victim girl are represented in the Court through their counsel. The parents have filed two separate affidavits in which they have stated that the victim is 17 years and 10 months of age as of today. According to them, they came to know that the victim and the present Applicant were in love. They have stated that they are ready and willing to marry their daughter to the present Applicant as soon as she became major. They have further stated that they were filing these affidavits without there being any coercion.

5. Mr.Mundargi submitted that the victim girl has already attained age of discretion and there was love affair between the Applicant and the victim as is pointed out in the affidavits. The learned Counsel for the Respondent Nos.2 and 3 submitted that the parents have voluntarily agreed to marry their daughter with the Applicant.

6. Considering the fact that the victim has attained the age of discretion and she is only a few days away from attaining majority, the marriage can take place between the Applicant and

the victim after a few months. The parents of the victim have categorically stated that they have taken steps and they were ready and willing to marry their daughter with the Applicant.

7. In this view of the matter, no purpose would be served keeping the Applicant in custody. Hence, the following order :

ORDER

- (i) The Applicant is directed to be released on bail in connection with C.R.No.186/19 registered with Sangli City Police Station, Sangli, on his furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
- (ii) However, if it is found that the victim or her parents are pressurized in filing their affidavits, the State is at liberty to move for cancellation of this order granting bail.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)