

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

CRIMINAL BAIL APPLICATION NO.799 OF 2019

Mahesh @ Ganesh Bhagoji Jadhav Applicant

versus

The State of Maharashtra Respondent

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- Mr.Harshad Sathe a/w Saurabh Butala, Advocate for Applicant.
- Mr.Rajan Salvi, APP for the State/Respondent.
- PC Mr.Sul, Mahad Taluka Police Station, Raigad, present.

CORAM : SARANG V. KOTWAL, J.
DATE : 11th JULY, 2019

P.C. :

1. The Applicant is seeking bail in connection with C.R.No.24/18 registered with Mahad Taluka Police Station, Raigad, under sections 363, 376 (1), 466, 471 of the Indian Penal Code and under sections 4, 8 and 12 of Protection of Children from Sexual Offences Act, 2012.

2. The FIR was lodged on 02/06/2018 by the father of the victim. According to him, his daughter who was 17 years

and 8 months of age had left their house on 31/05/2018. On enquiries with the villagers he came to know that the victim had eloped with the present Applicant and on this basis FIR was lodged. The FIR was lodged initially u/s 363 of IPC. Subsequently, the victim as well as the present Applicant themselves came to the police station. The Applicant was arrested and the victim's statement was recorded. It was the case in her statement recorded on 07/06/2018 that she was having differences with her family members. She was not getting along well with her father and brother. On one occasion her father had asked her to leave their house. Getting angry with them, she left the house. On the way, she met the present Applicant. She has clearly stated in her statement that the Applicant was her distant relative and they had already developed love affair before 31/05/2018. Therefore both of them went to Pune. Initially on the first day they stayed with a friend of the Applicant Tushar Mahadik and his relatives. On the next day, Tushar's father asked the couple to leave their house. On the next day they stayed with the other friend Prasad Chavan. The same story was

repeated. On the next day they resided with other relative of the Applicant. It is her case that during all this time together, they had physical relationship. It is further mentioned in the FIR that finally they ran out of cash and therefore they came back to Mahad Taluka Police Station on 06/06/2018.

3. In her supplementary statement, the victim has mentioned that the Applicant and she had got married on 02/06/2018. At that time, since she was a minor, the Applicant had submitted a false document showing her age to be more than 18 years. Therefore the investigating agency added the section of forgery.
4. The investigation is over and the charge-sheet is filed.
5. Heard learned Counsel Mr.Harshad Sathe for the Applicant and learned APP Mr.Rajan Salvi for the State.
6. Learned Counsel for the Applicant submits that the victim was on the verge of being a major and she definitely had

attained age of discretion. The Applicant did not have any ill intention as can be seen that the marriage was performed in a marriage hall. Though he had tendered false document, that was done only because the victim had not attained the age of majority. For that he cannot be detained in custody for an indefinite period.

7. Learned APP opposed this application mainly on the ground that the victim has performed marriage with another person and is leading a peaceful life. He further stated that the Applicant had used forged document to get married and therefore the learned APP opposed the bail application.

8. The record shows that the Applicant was having love affair with the victim. He not only promised marriage, but actually performed marriage with the victim. Though it is alleged that the Applicant had used forged document, however the fact remains that the Applicant had performed marriage in presence of witnesses. At this stage, further custody of the

Applicant does not appear to be necessary. Hence I am inclined to grant bail to the Applicant. The Applicant is already in custody since 07/06/2018. The Applicant can be granted bail. Hence, the following order :

ORDER

- (i) The Applicant is directed to be released on bail in connection with C.R. No.24/18 registered with Mahad Taluka Police Station, Raigad, 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) The Applicant shall not make efforts to contact the victim or her family.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)