

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1030 OF 2019

Sameer Kashinath Salunkhe	]	... Applicant
Versus		
The State of Maharashtra	]	... Respondent

Mr. Sujay Gangal, Advocate for the Applicant.
Mr. Prashant Jadhav, APP for the State/Respondent.

CORAM :- SARANG V. KOTWAL, J.
DATE :- 28th AUGUST, 2019.

P. C. :-

1. The applicant is seeking his release on bail in connection with C.R.No.43/2018 registered with Mangaon Police Station, District Raigad u/sec. 363, 376 r/w 34 of I.P.C. and u/sec. 3, 4, 8, 9, 11 and 17 of The Protection of Children from Sexual Offences Act, 2012 (POCSO).

2. The FIR is lodged by father of the victim on 23/03/2018 on the ground that, on 22/03/2018 his daughter aged about 16 years did not come back home after appearing for examination in school. On inquiry he came to know that, the present applicant had abducted her. On this basis, the FIR is lodged.

3. The investigation was carried out and the applicant was arrested on 03/04/2018 and since then he is in custody. The investigation is over and the charge-sheet is filed.

4. Heard Mr. Sujay Gangal, Ld. Counsel for the Applicant and Mr.Prashant Jadhav, Ld. APP for the State/Respondent.

5. Ld. Counsel for the applicant submitted that, though the victim is a minor girl, her statement shows that it was consensual relationship and they were living as husband and wife for a few days till the applicant was arrested. He further submitted that, though the offence is shown to be made out, detention of the applicant is not necessary considering their love affair.

6. Ld. APP opposed this application. He pointed out that, in the year 2014 the applicant had love affair with another girl and therefore, his character was not good and therefore bail should not be granted to him.

7. I have considered the submissions and in particular I have perused statement of the victim. The victim has stated that on 22/03/2018, she had voluntarily gone with the applicant after her examination was over. They had gone to Mangaon. They roamed around in the market. Thereafter, they went to Mahad. There also they roamed around and then they went to Sangameshwar and Hatkhamba. The victim had even worn Mangalsutra when they had gone to Rajapur. They met one Wadkar and stayed in his house. He suggested that, they should get their marriage registered. At that time, the applicant told him that, the victim was 18 years of age and he was 24 years of age. The applicant started working in a bar and they were residing as husband and wife. On 03/04/2018, the police came and arrested the accused. The statement of the victim clearly shows that, they were in love relationship and were residing as husband and wife. Though, the victim is a minor girl, the fact remains that, there was a love affair and she had voluntarily accompanied the applicant. The applicant's intention does not appear to be dishonest as he was for a few days maintaining her as his wife. In this view of the matter, detention of the applicant will not serve any purpose. The charge-sheet is filed. The applicant is in custody since 03/04/2018,

therefore, I am inclined to grant bail to the applicant. Hence, the following order.

ORDER

1. The Applicant is directed to be released on bail in connection with C.R.No.43/2018 registered with Mangaon Police Station, District Raigad, on his furnishing P.R.Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
2. Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)