

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

**BAIL APPLICATION NO.1280 OF 2019**

Govind Sham Bandgar

.. Applicant

***Vs.***

State of Maharashtra  
Through Shirur Police Station,  
District – Pune.

.. Respondent

.....  
Ms.Anuja Gotad, Advocate for the Applicant.  
Mr.S.H. Yadav, APP for the Respondent – State.  
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**CORAM : PRAKASH D. NAIK, J.**

**DATED : NOVEMBER 04, 2019.**

**P.C. :**

The applicant is seeking bail in connection with C.R.No.470 of 2018, registered with Shirur Police Station, District-Pune for the offences punishable under Sections 376, 366(A) and 363 and 379 of Indian Penal Code (“IPC”, for short) and under Sections 4, 5(l), 6, 8 and 12 of The Protection of Children from Sexual Offences Act (“POCSO Act”, for short). The applicant was arrested on 30<sup>th</sup> August, 2018.

2 First Information Report (“FIR”, for short) was lodged on 26<sup>th</sup> June, 2018 by the grandfather of the victim. The victim

was allegedly aged about 13 years. The offence was initially registered under Sections 363 and 379 of IPC. The victim girl was found missing from house of complainant on 26<sup>th</sup> June, 2018. The complainant learnt that the victim was friendly with accused. The victim and the accused were traced on 30<sup>th</sup> August, 2018. The statement of the victim was recorded on 31<sup>st</sup> August 2018.

3           The statement of the victim indicate that she was acquainted with the applicant. On 25<sup>th</sup> June, 2018, she had left the house of her grandfather with the accused. Both of them went to Khed, and, thereafter, to Miraj. Subsequently they boarded train to Solapur and than Kolhapur. On the next day they went to Vijapur. The applicant got a job and they started staying together in a room hired by them. She further stated that, to avoid suspicion in the mind of people she wore mangalsutra. Till they were traced by police they had sexual relationship on several occassions in the room hired by them.

4           Learned advocate for the applicant submitted that the victim and applicant had a love affair. The victim had eloped with the applicant and they had stayed together. The relationship was consensual. The applicant is student. He had appeared for first year B.Com.

5            Learned APP however submitted that the offence is of serious nature. The victim was minor at the time of incident and her consent was immaterial.

6            Perusal of the statement of the victim and the other documents on record it appears that the victim and the accused were in relationship. The accused was aged about 20 years. The victim and accused started together for a period of two months. The medical history given by the victim also indicate that the victim was in love with applicant since one year. She has left the house and ran away with the accused. She got married to accused - applicant in temple. Had sexual intercourse with victim with her consent. The medical case papers mention that the age of victim is more than fourteen and less than sixteen. There are no criminal antecedents against the applicant. The applicant is in custody from 30<sup>th</sup> August, 2018. Considering the factual matrix of this case, case for grant of bail is made out on certain terms and conditions.

7            Hence, I pass the following order:

**:: ORDER ::**

- (i) Bail Application No.1280 of 2019, is allowed;
- (ii) The applicant is directed to be released on bail in connection with C.R.No.470 of 2018, registered with Shirur Police Station, District-Pune on furnishing PR Bond in the sum of Rs.20,000/-, with one or more sureties in the like amount;
- (iii) The applicant shall report Shirur Police Station, District-Pune once in a month on first Saturday of the month between 10:00 a.m. to 12:00 noon, till further orders;
- (v) The applicant shall not tamper with the evidence;
- (vi) Bail Application stands disposed of.

**(PRAKASH D. NAIK, J.)**