

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

BAIL APPLICATION NO.1558 OF 2019

Somnath Raghunath Gaikwad

.... Applicant

versus

The State of Maharashtra.

.... Respondent

- Mr. Milind Deshmukh, Advocate for the Applicant.
- Mr. Rajan Salvi, APP for the State/Respondent.
- Mr. Shailesh Chavan, Advocate for respondent Nos.2 to 4.
- Ms. Madhuri S. Jadhav, ASI, Pusegaon Police Station, present.

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**CORAM : SARANG V. KOTWAL, J.
DATE : 24th JULY, 2019**

P.C. :

1. The applicant is seeking his release on bail in connection with C.R. No.181/2018 registered at Pusegaon Police Station under section 376(3) of IPC and under section 3, 4 and 6 of Protection of Children from Sexual Offences Act.

2. The FIR is lodged by the prosecutrix herself. She was minor at the time of lodging the FIR. Her date of birth is 1/12/2013. She has stated in her FIR that she was studying in 9th

standard at the time of lodging of the FIR. The applicant was her cousin and was residing nearby. She has clearly stated that both of them were in love. Out of their love affair, they had physical contact and the prosecutrix got pregnant. Her family came to know about this and thereafter, this FIR was lodged.

3. The applicant is arrested on 12/12/2018 and since then, he is in custody. The parents of the prosecutrix are added as party respondents. The applicant and the prosecutrix are close relatives. Their families are agreeable to their alliance. The parents of the prosecutrix as well as the prosecutrix herself are present in the Court. The parents have filed their affidavit in this Court mentioning therein that they have fixed the marriage between the applicant and the victim but since the victim had not attained 18 years of age, the marriage could not take place. In the meantime, due to impatience of the prosecutrix and the applicant, this episode has taken place in which the prosecutrix became pregnant. He submitted that in view to secure peaceful and normal future for their daughter, the applicant may be released on

bail. They have categorically stated that they have no complaint against the applicant.

4. Though, technically the offence is committed and the applicant will face the trial, however, at this stage, considering the affidavit filed by the parents, it does appear that there was a love affair.

5. The parents are present in the Court. I have inquired with them. They have accepted the contents of the affidavit. The parents are identified by the Ld. Counsel for them. Though, the victim is a minor girl, the affidavit states that both the families had fixed marriage between the applicant and the prosecutrix and they were waiting for her to attain majority.

6. The father of the applicant is present in the Court. He is identified by the Investigating Officer who is also present in the Court. The father of the applicant also concurs with the averments in the affidavit. He further states that the prosecutrix will be

accepted whole heartedly and that in future, she will not be ill-treated. Therefore, considering their future and accepting their statements, I am inclined to grant bail to the applicant. Hence, the order.

ORDER

- (i) The Applicant is directed to be released on bail in connection with C.R. No.181/2018 registered at Pusegaon Police Station, on his executing P.R. Bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in like amount.
- (ii) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)