

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

ANTICIPATORY BAIL APPLICATION NO.1386 OF 2019

Hareshwar Pandurang Thombre	 Applicant
versus	
The State of Maharashtra & Anr.	 Respondents
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- Mr.Ranjeet M. Pawar, Advocate for Applicant.
- Mr.Shailesh Kharat, Advocate for Respondent No.2.
- Ms.A.A. Takalkar, APP for the State/Respondent.
- PSI Mr.Prakash Gulabrao Mane, Walchand Nagar Police Station, Pune, present.

CORAM : SARANG V. KOTWAL, J.
DATE : 17th JULY, 2019

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.207/19 registered with Walchand Nagar Police Station, Pune, under sections 376, 506 r/w 34 of the Indian Penal Code and 4 and 12 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act).

2. The FIR is lodged by the prosecutrix herself, who is 17 years of age. She has mentioned in her FIR that the present Applicant was her distant relative. They were on visiting terms. Slowly they developed love affair between themselves. She has

stated that from May 2018 they had physical relations on a few occasions. It is her case that the Applicant had promised marriage to her and therefore she had not told this fact to anyone else. It is further her case that the Applicant had removed a video shooting and was blackmailing her. It is her case that using that clip he was forcing her to keep physical relations. Finally in April 2019 she asked the Applicant whether he was serious about getting married. At that time he refused to marry her. Therefore the prosecutrix lodged her FIR.

3. The learned Counsel for the Applicant pointed out that after registration of FIR the Applicant and the prosecutrix had got engaged. He has annexed photographs of their engagement ceremony. Therefore on the last occasion he was granted permission to add the mother of the prosecutrix as the party Respondent No.2. The mother was added as a party Respondent No.2. Today she is represented by her counsel. She herself is present in the Court. The learned Counsel for Respondent No.2 identifies her. On enquiries with her she has accepted that the engagement ceremony between the prosecutrix and the

Applicant had taken place after registration of the FIR and the families had consented to their marriage once the prosecutrix attained the age of majority. These submissions are accepted. The Respondent No.2 has also filed an affidavit to that effect on record.

4. In view of this development and considering the statement regarding their consensual relationship, the Applicant has made out a case for protection of anticipatory bail. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.207/19 registered with Walchand Nagar Police Station, Pune, the Applicant is directed to be released on bail 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) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)