

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

CRIMINAL BAIL APPLICATION NO. 2320 OF 2019

Pradip Kantilal Jadhav	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Rahul S. Kadam, Advocate for the Applicant.
Ms. S. S. Kaushik, APP for the State/Respondent.
Mr. B. N. Lature, API, Indapur police station, present.

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

P.C. :

1. The Applicant is seeking his release on bail in connection with C.R.No. 255 of 2019 registered with Indapur Police Station, Pune, under sections 376, 366 and 363 of the Indian Penal Code and U/s. 6, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 ('POCSO Act'). The applicant was arrested on 22/05/2019 and since then he is in custody. The investigation is over and the charge-sheet is already filed.

2. The FIR is lodged by elder brother of the victim on

16/04/2019. He has stated in his FIR that the victim had gone to her school on 15/04/2019 at 9.00a.m. Usually, she used to return at 12.30p.m., but on that day she did not return, therefore, the informant and his other family members searched for the victim. They came to know that the applicant had abducted her and, therefore, this FIR is lodged. The investigation was carried out. During the investigation, the applicant was arrested and the victim's statement was recorded. She has stated in her statement that on 15/04/2019 the applicant met her at around 12.30p.m. and told her that they could elope and get married. It is her case that, he also threatened that if she did not accompany him, he would see that she did not get married at all. The victim thereafter went with the applicant at Bhadgaon. Then they went to Indapur and then to Jejoori. On 16/04/2019 they exchanged garlands and got married. Thereafter they went to Satara, Bhuij. Thereafter they went to a poultry farm. The owner gave them a room nearby where they resided as husband and wife from 16/04/2019 till 22/05/2019. During their stay together they had physical relations.

3. Heard Shri. Rahul Kadam, learned counsel for the Applicant and Ms. S. S. Kaushik, learned APP for the State/Respondent.

4. Learned counsel for the applicant submitted that the applicant himself is 18 years 5 months old. The victim was 16 years of age. Both of them have acted immaturely because of their young age. But for their acts together the applicant is already in custody for about 5 months. He, therefore, submitted that the applicant deserves to be released on bail. Learned APP opposed this application on the ground that the offences as alleged in the charge-sheet are clearly made out and there is no plausible defence available to the applicant for possible acquittal.

5. I have considered these submissions. Though, it is true that the offences as alleged are made out in the charge-sheet, however, today I am only considering the question of grant of bail to the applicant. The statement of the victim indicated that she herself had accompanied the applicant to various places and had resided with him for over a month as his wife. During their stay together they had sexual intercourse. Thus, considering these

circumstances, the victim has equally participated in the entire episode. The applicant himself is very young. At this stage, I am inclined to grant bail to the applicant.

6. Hence, the following order :

ORDER

- (i) In connection with C.R. No. 255 of 2019 registered with Indapur 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.)