

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

BAIL APPLICATION NO.2400 OF 2019

Rakesh Parshram Mali	.. Applicant
<i>Vs.</i>	
State of Maharashtra	.. Respondent

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Mr.Mahendra N. Sandyanshiv, Advocate for the Applicant.

Mr.Prashant Jadhav, APP for the Respondent – State.

PSI Swapnil D. Koli, Jaykheda Police Station, Nashik Rural,
present.

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CORAM : PRAKASH D. NAIK, J.

DATED : NOVEMBER 21, 2019.

P.C. :

This is an Application for bail in connection with C.R.No.35 of 2019, registered with Jaykheda Police Station, Taluka-Satana, District-Nashik, for the offences punishable under Sections 363, 366 and 376(2)(N) of Indian Penal Code (“IPC”, for short).

2 The case of the prosecution is that the victim had left the house on 17th January, 2019 and she has returned on 4th March, 2019. Statement of victim was recorded in which she has

stated that she was friendly with the Applicant-accused. They were having an affair. She left the house with the Applicant and there was physical relationship.

3 Learned Counsel for the Applicant submitted that the relationship was consensual. The Applicant is in custody from 5th March, 2019. Learned APP submitted that the statement of the complainant and the victim would indicate that she was minor at the time of incident. Medical evidence supports the prosecution case.

4 The victim was of the age of understanding. She was around 16 years and 5 months at the time of incident. The victim has stated that she was in love with Applicant. Her mother wanted to fix her marriage. However, she had agreed to marry with Applicant. On 17th January, 2019, victim left with Applicant. She went to house of Applicant's relative. She was introduced as wife of Applicant. From 17th January, 2019 till 4th March, 2019, the victim was in the company of the Applicant-accused. Apparently the relationship was consensual. The charge-sheet is filed. Further detention is not called for.

5 Hence, I pass the following order:

:: O R D E R ::

- (i) Bail Application No.2400 of 2019, is allowed;
- (ii) The Applicant be released on bail in connection with C.R.No.35 of 2019, registered with Jaykheda Police Station, Taluka-Satana, District-Nashik, on bail on his executing P.R. Bond in the sum of Rs.25,000/-, with one or two sureties in the like amount;
- (ii) Applicant shall attend Jaykheda Police Station, Taluka-Satana, District-Nashik, once in a month on first Saturday of the month between 10:00 a.m. to 12:00 noon;
- (iii) Applicant shall not tamper with the prosecution evidence;
- (iv) Bail Application stands disposed of.

(PRAKASH D. NAIK, J.)