

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

CRIMINAL BAIL APPLICATION NO.3145 OF 2018

Kiran Somnath Kasbe	.. Applicant
Vs.	
State of Maharashtra	.. Respondent

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Mr.Ganesh Gole i/b. Mr.Ateel Shirodkar, Advocate for the Applicant.

Mr.S.R. Agarkar, APP for the Respondent – State.

PSI Vijay K. Kadam, Kurar Police Station, Mumbai, present.

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CORAM : PRAKASH D. NAIK, J.

DATED : FEBRUARY 8, 2019.

P.C. :

The applicant is seeking bail in connection with C.R. No.74 of 2017, registered with Kurar Police Station, Mumbai, for the offences punishable under Sections 376(J)(N), 363 and 354 of Indian Penal Code (“IPC”, for short) and under Sections 4 and 8 of Protection of Children from Sexual Offence Act (“POCSO” for short). The case of the prosecution is that the victim aged about 17 years had left the house on 6th February, 2018, and, since she did not return, the complaint was lodged with the police station on 6th February, 2018 under Section 363 of IPC. Subsequently, the

victim was traced and her statement was recorded on 10th February, 2018. Supplementary statement of the complainant was also recorded. On perusal of the statement of the victim, it is apparent that she was acquainted with the applicant since 2015. Both of them had a love affair. It is also stated that after she left the house, she went to Lonavla and called the applicant. Thereafter both of them visited several places. However, during the said period there were no physical relationship between them. Statement however indicate that on the earlier occasion, they had visited the hotel and had physical relationship. Learned APP submits that the victim was minor at the time of incident. Statement of the victim was recorded under Section 164 of Code of Criminal Procedure. Thus, apparently, the complainant and the applicant were acquainted and friendly with each other. The applicant is aged about 21 years and it appears there was a love affair between the applicant and the victim. Thus, the relationship was consensual. Considering the aforesaid circumstances, bail can be granted to the applicant.

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Hence, I pass the following order:

:: ORDER ::

- (i) Criminal Bail Application No.3145 of 2018, is allowed;
- (ii) Applicant is directed to be released on bail in connection with C.R. No.74 of 2017, registered with Kurar Police Station, Mumbai, on his furnishing P.R.Bond in the sum of Rs.20,000/-, with one or more sureties in the like amount;
- (iii) Applicant shall attend the trial Court on every date of hearing regularly, unless exempted by the Court;
- (iv) Bail Application stands disposed of.

(PRAKASH D. NAIK, J.)