

ANTICIPATORY BAIL APPLICATION NO.2522 OF 2018

Bhaiyya @ Budhghosh Sanjay Kamble Applicant
versus
The State of Maharashtra Respondent
.....

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

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.402/18 registered with Vijapurnaka Police Station, Solapur City, under sections 366-A, 376 of the Indian Penal Code and under sections 4 and 8 of the Prevention of Children from Sexual Offences Act, 2012 (POCSO Act).
2. The FIR is lodged pursuant to the statement given by the prosecutrix who was 16 years of age. She has mentioned that since September 2017, she got acquainted with the present

Applicant. When she used to be alone in the house, the Applicant used to try developing close bonding with her. On 21/12/2017 he came to her house when no one was around and for the first time they had sexual intercourse. It is her case that even thereafter they continued with the physical relations. After March 2018, the prosecutrix got to know that she was pregnant and therefore she had to tell about the same to her parents. After that, the FIR was lodged and the investigation commenced.

3. The facts reveal that the prosecutrix delivered a baby girl on 14/08/2018.
4. Heard learned Counsel Mr.V.V. Purwant for the Applicant, learned Counsel Ms.Barsha Parulekar for the mother of the prosecutrix and learned APP Ms.A.A. Takalkar for the State.
5. The Applicant and his mother have tendered additional affidavits which are taken on record. The mother of the

prosecutrix has also tendered her affidavit which is also taken on record.

6. In this situation, as the matter stands today, the prosecutrix has delivered a baby. There is no dispute on the either side that the present Applicant is the father. Both the families have agreed to give consent to their marriage and to support the couple as well as their child as can be seen from the affidavits. In this view of the matter, though technically, the offence is made out, however looking into the facts and circumstances and in particular taking into account the future of the prosecutrix and her child, I am of the considered view that it will be in the interest of justice if the Applicant is protected by an order of anticipatory bail.

7. In all the affidavits it is clearly mentioned that both the families will take steps to perform the marriage between the Applicant and the prosecutrix and they shall look after the prosecutrix and her child.

8. It is clarified that if there is any breach of bonafide intentions displayed by the Applicant or his mother, through their affidavits, it shall be a ground for cancellation of anticipatory bail. Taking into account this, following order is passed:

ORDER

- (i) In the event of his arrest in connection with C.R.No.402/18 registered with Vijapurnaka Police Station, Solapur City, 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.)