

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

CRIMINAL BAIL APPLICATION NO.2508 OF 2019

Mithun Suresh Gaikwad

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Kulkdeep U. Nikam, Advocate for the Applicant.

Mr. S. S. Pednekar, APP for the state-respondent.

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CORAM : PRAKASH D. NAIK, J.

DATE : 9th January, 2020

PC :

1. This is an application for bail in C.R. No. 302 of 2018 registered with Dahiwadi Police Station, Dist. Satara. On 25th December, 2018 the father of victim lodged the complaint under Section 363, 366, 376(1) 376(2) of Indian Penal Code and Section 4 & 8 of Protection of Children from Sexual Offences Act, 2012.

2. It was stated that the victim is aged about 17 years, 1 month and 29 days. She left the house on 20th December, 2018 and she did not return home. It was suspected that the applicant had enticed and kidnapped her. Victims statement was recorded on 2nd January, 2019. She stated that on 22th December, 2018 she called the accused nearer her house at about 10.30 p.m. The accused came on motor cycle and

intimated her by sending SMS. She took her cloths and accompanied the accused on his motorcycle. They went to Murum and hired premises. Both of them stayed together. During the period of stay, she wore Mangalsutra given by the applicant. They were together from 21st December, 2018 to 2nd January, 2019. There was physical relationship between them. Applicant was arrested on 2nd January, 2019. On completing investigating, charge-sheet is filed. The prosecution has relied upon medical examination. The statement of the victim as well as the medical history provided by the victim indicates that the relationship was consensual. Although she was minor aged about 17 years at the time of incident, she had left with the applicant voluntarily and both of them were stayed in rented premises. The victim had attained age of understanding. There was physical relationship between them. Considering the facts, further detention of the applicant is not warranted. Case for grant of bail is made out.

3. Hence, I pass the following order.

ORDER

- i) Bail Application No. 2508 of 2019 is allowed;
- ii) The applicant is directed to be released on bail in connection with C.R. No. 302 of 2018 registered

with Dahiwadi Police Station, Dist. Satara on
furnishing P.R. bond in the sum of Rs. 25,000/-
with one or more sureties in the like amount;

- iii) The applicant shall report concerned police
station once in a month on every first Saturday
between 10.00 am. to 12.00 pm. till further order.
- iv) Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)