

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION (ST.) NO.3519 OF 2020

Alpesh Hanumant Kamble .. Applicant

Vs.

The State of Maharashtra .. Respondent

...

Mr. Prakash P. Pujari for the Applicant.

Mr. S.V. Gavand, A.P.P. for the State.

...

CORAM: SMT. BHARATI DANGRE, J.

DATED : 02ND DECEMBER, 2020.

P.C:-

1. By order dated 28/10/2020, after referring to the allegations levelled in the complaint, the Applicant was held entitled for interim protection. It was recorded that at the time when the alleged act of forcible relationship which is complained of by the Applicant, she was 16 years old, but when the complaint is lodged, she is 18 years and 5 months. The Complainant has also alleged in the complaint that there was a love relationship between herself and the Applicant. The physical relationship, however, was continued on the promise of marriage.

2. The Complainant was impleaded as a Respondent. The Complainant Payal Gaikwad is present before the Court. She has accepted the fact that her marriage was solemnized with the Applicant on 24/11/2020. The certificate of marriage issued by the Marriage Officer, District Pune certifying that the Applicant performed the marriage with the Complainant on 24/11/2020 is placed on record. The same is taken on record. In the light of the fact that the relationship between the Applicant and the Complainant was consensual though at the relevant time, she was minor but when the FIR is lodged she attained majority and subsequent to her attaining majority she has performed marriage with the present Applicant, the interim protection needs a confirmation and, it is accordingly confirmed subject to the stipulation that the Applicant will co-operate with the investigation and report to the Investigating Officer as and when called for.

3. The Application is allowed.

SMT. BHARATI DANGRE, J.