

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

CRIMINAL BAIL APPLICATION NO. 1656 OF 2019

Dattatray Narayan Patole

...Applicant

Versus

The State of Maharashtra

...Respondent

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Mr. Sanjeev Kadam i/b. Prashant P. Raul, Advocate for the Applicant.
Mr. H. J. Dedhia, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 4th MARCH, 2020.

PC :

1. This is an application for bail in connection with C.R. No. 15 of 2018, registered with Mahad Police Station, Raigad, for the offences punishable under Sections 363, 366-A, 376(1) of Indian Penal Code, 1860 ('IPC' for short) r/w. Sections 4, 8 and 12 of Protection of Children from Sexual Offences Act, 2012 ('POCSO' for short).

2. The First Information Report ('FIR' for short) was lodged by the father of the victim on 25th April 2018. It was alleged that, the complainant's daughter aged about 17 years, had left the house on 8th April, 2018, on search she was not found. The complainant tried to search her with relatives, villagers and friends etc. On 20th April, 2018 while he was proceeding to Mahad Taluka Police Station,

Raigad to lodge missing complaint, the complainant received call from his another daughter that the victim was having love affair with Dattatray and he took victim with him on 8th April, 2018. FIR was lodged for the offences under Section 363 of IPC. Subsequently, the victim and the applicant were traced. The statements of the victim was recorded under Section 161 as well as Section 164 of Code of Criminal Procedure, 1908 ('Cr.PC' for short). In both these statements, she has stated that, she was having love affair with the applicant. There was physical relationship between them. She visited several places like Pandharpur, Tuljapur along with the applicant and his wife. The applicant was arrested on 4th May, 2018.

3. The applicant had preferred an application for bail before the Court of JMFC Mahad, who was granted bail vide Order dated 31st May, 2018. The State had preferred an application for cancellation of bail, on account of additional charge. The bail granted to the applicant, was cancelled by the learned Sessions Judge, vide Order dated 25th June, 2018. The applicant was thereafter arrested and taken into custody on 13th August 2018, since then applicant is in custody. There are no other criminal antecedents against the applicant.

4. Learned Advocate for the applicant took me through the

documents. He pointed out the statements of victim and wife of the applicant. It is apparent that although the applicant was married person, the said fact was known to the victim and both of them were having affair. The wife of applicant had initially protested, however, subsequently all three of them visited several religious places. This fact is evident from the statement of the victim as well as the wife of the applicant. The victim was aged about 17 years, which is age of understanding. In the circumstances, further detention of the applicant is not called for. Even after the cancellation of bail by Sessions Court, the applicant is in custody for period of about one and half year. Hence, case for grant of bail is made out.

5. Hence, I pass the following Order:

ORDER

- i) Bail Application No. 1656 of 2019, is allowed;
- ii) The applicant is directed to be released on bail in connection with C. R. No. 15 of 2018, registered with Mahad Police Station, Raigad 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 11.00 am. to 1.00 pm. till further order.

iv) Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)