

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**15 ANTICIPATORY BAIL APPLICATION NO.1229 OF 2021**

**KARAN ARVIND PAWAR**

**VERSUS**

**THE STATE OF MAHARASHTRA AND ANOTHER**

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Mr. A.A. Lomte, holding for Mr. Sudarshan J.Salunke, Counsel for the applicant

Mr. V.S.Badakh, APP for the respondent-State

Mr. Swapnil S.Dargad, Counsel for respondent No.2

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**CORAM : PRAKASH D. NAIK, J.**

**DATE : 22<sup>nd</sup> NOVEMBER, 2021**

**PER COURT:**

1] The first information report was registered vide Crime No.0170/2021 with Sonpeth Police Station, District Parbhani at the instance of father of victim girl on 23.07.2021. The complainant has alleged that his daughter (victim) was missing from the house from 17.07.2021. He also noticed that call was received on the Cellphone from the applicant and it was alleged that the applicant had enticed the victim girl to elope with him.

2] The applicant is aged about 20 years. It appears that subsequently victim was traced and her statement is recorded. It is disclosed that there was physical relationship between the victim and accused and section 376 of the Indian Penal Code and sections 4 and 8 of the Protection of Children from Sexual Offences Act were invoked.

3] Learned counsel for the applicant submitted that tenor of the first information report indicates that the victim and the applicant were acquainted with each other. The applicant is a young boy aged 20 years. The order of the Sessions Court indicates that the complainant and victim had appeared before the Sessions Court and had given no objection for grant of bail.

4] Learned A.P.P. submitted that the victim was minor aged about 16 years. The offence under section 376 IPC and Sections 4 and 8 of POCSO Act are invoked. Learned APP further submitted that the statement of victim was recorded on 22<sup>nd</sup> August, 2021 under Section 161 of Cr.P.C. and subsequently, under Section 164 of Cr.P.C. on 3<sup>rd</sup> September, 2021. In both the statements, the victim has stated that there was no physical relationship between them. It is also stated that, the victim and the applicant had performed marriage in the temple. However, during the medical examination, the history provided by the victim indicated that there was physical relationship between the applicant and the victim. Hence, Section 376 and provisions of POCSO Act were invoked.

5] Learned counsel for the complainant submitted that considering the nature of relationship and the age of the accused and the victim, the complainant has no objection for grant of anticipatory bail to the

applicant. The complainant has filed affidavit supporting applicant's prayer in this application.

6] Without taking cognizance of stand of the complainant reflected in the affidavit, it can be seen that the victim was of age of understanding. The applicant and the victim were in relationship. The victim had joined the applicant and both have stayed together. The said fact is reflected in the statements of the victim recorded during the course of investigation. In these circumstances, the applicant need not be subjected to custodial interrogation. Hence, I pass the following order.

**ORDER**

- (i) Anticipatory Bail Application No.1229 of 2021 is allowed.
- (ii) Interim order dated 27-10-2021 is confined.
- (iii) In the event of arrest of applicants in connection with CR No.0170 of 2021 registered with Sonpeth Police Station, Dist.Parbhani, the applicant be released on bail on his executing PR. Bond in the sum of Rs.20,000/-, with one or two sureties in the like amount.
- (iv) Applicant shall report Investigating Officer as and when called for.
- (v) Application stands disposed of.

( PRAKASH D. NAIK, J. )