

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

CRIMINAL BAIL APPLICATION NO. 1730 OF 2020

Pranit @ Balu Suhas Chavan

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. Shailesh Chavan with Shrikant Panhale, for the applicant.

Mrs. J.S. Lohokare, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 10th FEBRUARY 2021**

P.C. :

1. The applicant is seeking his release on bail in connection with C.R. No.23 of 2019 registered on 15/02/2019 at Wathar Police Station, Satara. Initially it was registered under Section 363 of the Indian Penal Code, but, subsequently other sections viz. 366-A, 376(n), 109 r/w Section 34 of the Indian Penal Code and Sections 6,8, 10 and 12 of the Protection of Children from Sexual Offences Act, 2012 were added.

2. Heard Mr. Shailesh Chavan, learned Counsel for

the applicant and Mrs J.S. Lohokare, learned APP for the State.

3. The FIR is lodged by father of the victim. The victim was 17 years and 9 months of age at the time of the incident. The victim went missing from her house in the night between 5th and 6th February 2019. Therefore, the informant lodged an FIR against unknown person under Section 363 of the Indian Penal Code. His statement was recorded on 8/03/2019 in which he added that a few months before the incident, he had seen the present applicant and the victim talking with each other surreptitiously. The applicant was arrested on 10/03/2019 and since then he is in custody.

4. Learned Counsel for the applicant submitted that the charge-sheet shows that it was a case of love affair and therefore the applicant deserves to be released on bail. He submitted that the conduct of the victim shows that she had willingly accompanied the applicant

and they had stayed together for over a month.

5. Learned APP relied on the charge-sheet to oppose this application.

6. I have considered these submissions. With the assistance of learned Counsel for the applicant and learned APP, I have perused the charge-sheet. The statement of victim shows that she had left with two friends of the applicant in the night of 5th and 6th February 2019. They had taken her to Pune. Thereafter, the applicant took the victim to Kalyan and kept her in the room of applicant's brother. From 6/2/2019 to 9/3/2019 they stayed in that room and they established physical relations. It is alleged that when the applicant was about to take her to a different place against her wish, police officer reached there and took both of them to Wathar Police Station and the applicant was arrested.

7. From her conduct, it is more than obvious that

it was a consensual relationship. The victim had not made any grievance to anybody. Supplementary statement of the informant shows that even on earlier occasion, victim had accompanied the applicant in their village and they were meeting surreptitiously. Thus, though technically she was below 18 years when the alleged incident took place, she was almost on the verge of attaining majority. She had completed 17 years and 9 months. There was love affair between the victim and the applicant. The applicant is in custody since 10/03/2019. The applicant is 21 years old and hence he is also a young boy. In this view of the matter, I am inclined to grant bail to the applicant.

8. Hence the following order.

ORDER

- (i) In connection with C.R. No.23 of 2019, registered with Wathar Police Station, Satara, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/-

(Rupees Thrity Thousand Only) with one or two sureties in the like amount.

- (ii) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)