

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

BAIL APPLICATION NO. 1270 OF 2021

Amol Motiram Borde ... Applicant

Versus

The State of Maharashtra ... Respondent

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Ms. Anjali Patil a/w Ms. Mallika N. Sharma, Advocate for the Applicant.

Mr. S. S. Pednekar, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 30th MARCH, 2021

PER COURT:

1. The applicant was arrested in connection with C.R. No. 835 of 2020 registered with MIDC Police Station, Mumbai. The First Information Report (for short 'FIR') was initially registered against unknown person for offence under Section 363 of Indian Penal Code (for short "IPC") and subsequently Sections 363, 376(2), 366, 366(A) of IPC and Sections 4 & 6 of Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO Act') were invoked.

2. The case of the prosecution is that the applicant and the complainant were neighbours. Both of them got acquainted. They become close friends. The victim was aware that the applicant is

married person. The relationship between the applicant and his wife were not cordial. Without informing her family members, the victim left the house on 28th November, 2020. She met the applicant. Both of them went to Dadar. They hired Taxi and went to Pune. They checked in the hotel. Both of them occupied room. The applicant tried to get close to her. Without her consent there was physical relationship between them. There are Whats-app chats of conversation between the applicant and the complainant.

3. Learned APP submitted that the victim was minor. She was aged about 16 years, 10 months.

4. On perusal of the FIR it is apparent that she was closely acquainted with the accused. She left house without informing her parents. She accompanied accused to Pune. They stayed in the hotel. The relationship was apparently consensual. Considering these circumstances, further detention of the applicant is not necessary. Hence, I pass the following order:

ORDER

- (i) Criminal Bail Application No. 1270 of 2021 is allowed;
- (ii) The applicant is directed to be released on bail in connection with C.R. No. 835 of 2020 registered with MIDC Police Station, Mumbai on executing 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 three month on first Saturday of the month between 11:00 a.m. to 1:00 p.m. till further order;
- (iv) The applicant is permitted to furnish provisional cash bail in the sum of Rs.25,000/- for a period of eight weeks in lieu of surety.
- (v) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)