

State. Pursuant to the previous order, original first informant was added as Respondent No.2 who is represented by another counsel. I have heard Mr.Gargade for the applicant, Mr.Yadav, APP for State and Mr.Gatne for Respondent No.2.

3. The Applicant was arrested on 3.3.2019 and since then he is in custody. Investigation is over and charge sheet is filed. Applicant is a distant relative of the victim. FIR is lodged by Respondent No.2 who is mother of the victim. She has stated that victim was 13 years and 8 months old at the relevant time. Victim got acquainted with the applicant in one Diwali Vacation. The applicant had proposed marriage with the victim by approaching informant and victim's family. At that time, informant had told him that since the victim was very young, they were not thinking of her marriage. At that time, applicant had told the informant that he would abduct the victim and would marry her. On 20-2-2019 informant saw that the applicant and her daughter-victim went away together on the applicant's motor cycle at about 3.00 p.m. Therefore, she lodged FIR against the applicant. Investigation was carried out and the

applicant was arrested

4. Learned counsel for the applicant submitted that the applicant and the victim are distantly related. Applicant and the victim's family have settled their dispute and it is agreed that the victim would marry the applicant after she attained majority. He submitted that in view of the love affair, leniency may be shown to the applicant.
5. Leaned counsel for Respondent No.2 concurred with the submissions of the learned counsel for the applicant. He invited my attention to the Affidavit-in-reply filed on behalf of Respondent No.2. In the said affidavit, in paragraph 3, Respondent No.2 has stated that keeping in mind the age and future of the accused and victim, she had no objection if the bail is granted to the applicant/accused.
6. Learned APP has left the matter to be decided to the discretion of the Court.
7. I have considered the submissions. With the assistance of learned counsel for the parties, I have perused the charge sheet. Statement of the victim is important. She has admitted in her

statement that she had got acquainted with the applicant and he had even proposed to her. He had given her mobile phone through which there was regular communication between the victim and the applicant. It is alleged that on 20.2.2019, the applicant called her telephonically and told her that she should accompany him to Mumbai otherwise, he would commit suicide. Both of them at about 3.00 p.m went from the village on his motor cycle. Subsequently, they went to various places through ST bus and railway. They went to Kedgaon, Pune, Vashi etc. The statement mentions that they had gone to various places in Mumbai for site seeing. In the meantime, they were residing together in one room and they had sexual intercourse. It is alleged that the victim was not willing but the applicant insisted for sexual relationship. Thereafter they had gone to various other places viz. Lonand, Saswad and Jejuri. While they were coming back after visiting Jejuri, they were caught by the villagers. The statement clearly shows that it was a love affair. Therefore, technically offences applied by the investigating agency are incorrect, considering no objection given by the

Respondent No.2 and the statement of the victim, leniency can be shown to the applicant for the purpose of his release on bail.

7 Hence, the following order :

ORDER

- (i) In connection with C.R. No.93 of 2019 registered with Wadgaon Nimbalkar Police Station, Pune, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) In the prevailing circumstances, it may not be possible for the applicant to furnish sureties. Therefore, applicant is permitted to furnish cash bail of the same amount for a period of three months from today during which time he will have to furnish surety as directed in the previous clause.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)