

PMB

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

ANTICIPATORY BAIL APPLICATION NO.2698 OF 2019

Jivan Manik Kolape .. Applicant
vs.
The State of Maharashtra and anr. .. Respondents

**INTERIM APPLICATION NO.550 OF 2020
IN
ANTICIPATORY BAIL APPLICATION NO.2698 OF 2019**

Purva Vishvanath Phulari .. Applicant

IN THE MATTER BETWEEN

Jeevan Manik Kolape .. Applicant
vs.
The State of Maharashtra .. Respondent

Ms. Rekha Musale I/b. Mr. Nitin L. Rajguru for the Applicant.
Smt. M.R. Tidke, APP for the State.
Ms. Bhagyashri R. Mangale for Respondent No.2.
Mr. S.M. Shinde, API, Daund Police Station, Pune is present.

CORAM : M.S.KARNIK, J.

DATE : OCTOBER 13, 2021

P.C.:-

By an order dated 28.09.2021, this Court directed to add the complainant as a party Respondent. An affidavit dated 07.10.2021 is filed by the complainant stating that all the

disputes with the Applicant-accused are resolved and after attaining the age of 18 years on 23.07.2021, the Applicant and the complainant got married on 24.07.2021 as per the Hindu Vedic Rites and Rituals at Sadguru Bhavan Mangal Karyalay, Alandi Devachi, Taluka Khed, District Pune. The complainant is residing with the Applicant since the date of marriage. The copy of the marriage registration certificate issued by the Sadguru Bhavan Mangal Karyalay is enclosed and the same is taken on record.

2. The complainant is present in the Court and says that the affidavit is filed voluntarily on her own volition without there being any pressure or coercion exerted on her.

3. So far as the FIR is concerned, the same was lodged by her for the offence punishable under Sections 363, 354D read with Section 34 of Indian Penal Code and under Section 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 being C.R. No.537 of 2019 registered with Daund Police Station, District Pune. At the relevant time when the offence was registered, the complainant was around 16 years and 9 months of age.

4. In the FIR, it is alleged by the complainant that the accused forcibly took her in a four wheeler to a temple on a hill top.

He asked one of his friends accompanying them to click photographs of the complainant along with Applicant. Thereafter, the accused asked the complainant to contact him on his cell phone. There are no allegations and neither it is the case of the prosecution that the photographs are in any manner obscene. There are no allegations of sexual assault or sexual advances made by the accused of any nature whatsoever.

5. As narrated earlier, an affidavit has been filed by the complainant in this Court upon attaining majority, stating that the offence was registered by her at the behest and at the instance of her grandfather. Immediately after the complainant became a major on 23.07.2021 and during the pendency of this Application, the complainant married the Applicant on 24.07.2021.

6. In this view of the matter and having regard to the facts and circumstances of the present case, the custodial interrogation of the Applicant is not necessary. The Applicant has been granted interim protection since 18.12.2019.

7. Hence, the following order :-

ORDER

(i) The interim order dated 18.12.2019 passed in this Application stands confirmed.

(ii) In the event of arrest of the Applicant in connection with C.R. No.537 of 2019 registered with Daund Police Station, Daund, District Pune, the applicant be released on bail on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount.

(iii) As the complainant wants to pursue further studies, the Investigating Officer to hand over the original of the mark-sheet of 12th standard and leaving certificate to the complainant. The copies of the certificate may be retained. The complainant undertakes to produce the originals as and when called for.

8. The Anticipatory Bail Application is disposed of.

9. In view of the disposal of the Anticipatory Bail Application, nothing survives for consideration in Interim Application No.550 of 2020. The same is disposed of.

(M.S. KARNIK, J.)

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signed by
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MAKARAND
BHOGALE
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