

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

ANTICIPATORY BAIL APPLICATION NO.684 OF 2022

**VISHAL SUGRIV CHAVAN
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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Mr. Rahul R. Karpe, Advocate for the Applicant
Mr. V.S. Badakh, APP for Respondent No.1 / State
Mr. V.V. Kabade, Advocate for Respondent No.2

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CORAM : SARANG V. KOTWAL, J.

DATE : 09th JUNE, 2022

PER COURT:-

. The Applicant is seeking anticipatory bail in connection with C.R.No.0128 of 2022 registered at Jamkhed Police Station, Dist. Ahmednagar on 01.04.2022, under sections 376, 376(2)(f), 376(2)(n) of the Indian Penal Code and under sections 4 and 6 of the Protection of Children from Sexual Offences (POCSO) Act, 2012.

2. Heard Mr. R.R. Karpe, learned counsel for the applicant, Mr. V.S. Badakh, learned A.P.P. for Respondent No.1/State and Mr. V.v. Kabade, learned counsel for respondent No.2.

3. The F.I.R. is lodged by the victim herself. She was 17 years of age at the time of lodging of the F.I.R. on 31.03.2022. The birth date of the victim is 15.06.2006. She has stated that prior to the F.I.R. she was in constant touch with the present applicant. She used to talk on phone as well through video calls with the applicant. About four months prior to the F.I.R. they had their first physical relations. She has categorically stated that, it was with her consent. Thereafter also their physical relations were repeated. Because of that, she became pregnant. Her family members came to know about it. Her father scolded her on 28.03.2022. In these circumstances, she consumed poison and suffered abortion. She was treated in a hospital. In the F.I.R., she has categorically stated that the physical relations were by consent and she was having absolutely no grievance against the present applicant.

4. Learned counsel for the applicant submitted that both the family members have reconciled and they have agreed to perform the marriage of the victim with the applicant. Learned counsel for the applicant submitted that the father of the victim also concurs with this statement. His affidavit was filed before the Sessions Court giving no objection for grant of anticipatory bail to the applicant.

5. Learned counsel for the respondent No.2 / informant stated that there is no objection if anticipatory bail is granted to the applicant.

6. Learned A.P.P. opposed this application because, according to him, the offence is made out. No case is made out for granting anticipatory bail considering the fact that the victim is a minor.

7. I have considered these submissions seriously. Technically the offence is made out and all the sections are properly applied by the prosecuting agency. The victim has suffered mental trauma and had tried to commit suicide. The F.I.R. shows that she wants to protect the applicant. Even in her statement recorded under section 164 of the Criminal Procedure Code, she has protected the applicant. The applicant is a young boy. The father of the victim also has expressed his 'no objection' for grant of relief in this application. Therefore, though technically the offence is made out, I am inclined to protect the applicant by an order of anticipatory bail.

8. Hence, the following order:

ORDER

- (i) In the event of his arrest in connection with C.R. No. 0128 of 2022 registered at Jamkhed Police Station, Dist. Ahmednagar, the applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
- (ii) The Application is disposed of accordingly.

[SARANG V. KOTWAL, J.]

S.P. Rane