

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1174 OF 2022

Amol Santosh Pawar .. Applicant.
v/s.
The State of Maharashtra
& Another .. Respondents.

Ms. Suvarna S. Yadav, for the Applicant.
Ms. M. R. Tidke, APP for the Respondent-State.
Ms. Manisha Deokar, for the Intervenor.

CORAM: VINAY JOSHI, J.
DATED : 18th APRIL, 2022.

Digitally
signed by
SMITA
RAJNIKANT
JOSHI
Date:
2022.04.18
19:10:07
+0530

P. C.:

The Applicant is arrested in Crime No. 246 of 2021 registered with Vadgaon Maval Police Station, Pune for the offences punishable under Sections 303, 366 and 368 of the Indian Penal Code.

2 Heard both the side.

3 Initially at the instance of report lodged by father of the victim aged about 17 years, crime was registered for the offence punishable under Section 363 of the Indian Penal Code. In the said report, the victim's father expressed his suspicion that the Applicant has kidnapped his daughter.

4 Later on, the police have added the rest of the penal

provisions. The state resisted bail by contending that at the time of occurrence, the victim was a minor i.e. below 18 years and, therefore, the offence is complete.

5 The Applicant's learned Counsel would submit that there was love affair in between the Applicant and the victim. After victim attaining the age of majority, both of them got married and staying together. The victim who has completed 18 years of age, has appeared through Counsel and filed affidavit in that regard. The victim is also present in Court who is identified by her learned Counsel.

6 It is submitted on behalf of State that though the matter is settled, that cannot be a ground for consideration. In support of the said submission, reliance is placed upon the decision of the Apex Court in the case of ***Aparana Bhat v/s. State of Madhya Pradesh*** (Criminal Appeal No. 329 of 2021 decided on 18th March, 2021) . Perused the said judgment. However, it would not apply to the facts of this case.

7 Particularly, statement of victim was perused. It was recorded during the course of investigation. The victim stated that, since college days, she was having love affair with the accused. She stated that, she at her own violation, left her house. After completion of 18 years, she got married with the accused. Particularly, she stated that there were no physical relation in between them.

8 *Prima facie*, it appears that, the matter evolves from love affair and after attaining the majority, the victim has married

with the accused. Moreover, there are no allegations about sexual assault. The victim-girl is presently residing with parents of applicant i.e. with her parents-in-law. The applicant is in custody from 17th February, 2022. The investigation is practically complete. There is no necessity to detain applicant further more.

9 Having recorded to all these facts, a case is made out for release on bail. In view of the above, the following order:-

- (i) The Criminal Bail Application is allowed and disposed of.
- (ii) Applicant/Accused Amol Santosh Pawar is released on bail in connection with CR. No. 246 of 2021, registered with Vadgaon Maval Police Station, Pune for the offences punishable under Sections 303, 366 and 368 of the Indian Penal Code, on his furnishing P. R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (iii) The Applicant/ Accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.

(VINAY JOSHI, J.)