

1. Leave to amend to add victim and her father as respondents. Amendment may be carried out forthwith.
2. The applicant is arrested on 28.11.2021 in connection with C.R. No. 269 of 2021 registered with Mundhwa Police Station. Initially FIR was registered under Section 363 of the Indian Penal Code.
3. The case of the prosecution is that the mother of the victim has alleged that victim aged about 17 years and 9

months was missing from the house. Subsequently, victim and the accused/applicant were found at Bangalore. The statement of the victim was recorded under Section 161 of Cr.P.C on 28.11.2021 wherein she stated that she was in relationship with the applicant/accused. The accused had promised that he would seek divorce from his wife and perform marriage with her. They visited several places and there was physical relationship between them.

4. Learned advocate for the applicant submitted that victim was aged around 17 years and 9 months on the date of incident. The relationship was consensual which is apparent from the contents of the FIR and other documents on record. The complainant/victim and the father of the victim has no objection from grant of bail.

5. Learned Advocate Ms.Rekha Jadhav represents victim. She has tendered affidavit of complainant, Affidavit of father of the victim and the affidavit of victim who is major now aged around 19 years stating that they have no objection for releasing the applicant on bail. The affidavits are taken on record and marked 'X', 'X-1' and 'X-2' for identification.

6. Learned APP submitted that since the victim was minor at the time of incident. offence is made out.

7. From the tenor of the statement of the victim recorded under Section 161 of Cr.P.C. it is apparent that the relationship was consensual. Both of them visited several places and there were physical relationship between them. She was of age of understanding. Further detention of applicant is not necessary.

8. Considering the aforesaid circumstances, bail can be granted to the applicant:-

ORDER

(i) Criminal Bail Application No.1619 of 2022 is allowed;

(ii) The applicant is directed to be released on bail in connection with C.R. No. 269 of 2021 registered with Mundhwa Police Station on executing P.R. Bond in the sum of Rs.20,000/- with one or more sureties in the like amount;

(iii) The applicant is permitted to furnish provisional cash bail security in the sum of Rs.20,000/- for a period of eight weeks in lieu of surety.

(iv) The applicant shall report concerned Police Station once in three months on first Saturday of the

month between 11:00 a.m. to 1:00 p.m. till further order;

(v) The applicant shall not tamper with the evidence.

(vi) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)