

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2898 OF 2022

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Dhiraj Ramdas Kapse

...Applicant

Versus

The State of Maharashtra and anr.

...Respondents

Mr. Arjun Pawar, for the Applicant.

Smt. Ashwini Takalkar, APP for the State/Respondent.

CORAM: N. J. JAMADAR, J.

DATED: 13th DECEMBER, 2023

ORDER:-

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. This is an application for pre-arrest bail in connection with CR No.671 of 2022, registered with Phaltan Rural Police Station, Satara, for the offences punishable under Sections 354, 354A, 323, 504, 506 and 510 of Indian Penal Code, 1860 ("the Penal Code") and Sections 12 and 8 of the Protection of Children from Sexual Offences Act, 2012.

3. When the application was listed before the Court on 17th October, 2022, this Court was persuaded to grant interim relief observing that it was the contention of the applicant that the applicant and the victim were in a relationship and

the victim was forced by her family members to lodge the report. On 20th July, 2023 a statement was made before the Court that after attaining majority the victim has solemnized marriage with the applicant and they are cohabiting under one roof. The learned APP sought time to take instructions with regard to the said statement.

4. The learned APP, on written instructions, submits that the victim has solemnized marriage with the applicant and they are residing together.

5. I have perused the allegations in the FIR. When the FIR was lodged, the victim was 17 years and 7 months of age. *Prima facie*, the contention on behalf of the applicant that the applicant and the victim were in relationship appears sustainable and further stands fortified by the subsequent developments.

6. In this view of the matter, the order of interim bail dated 17th October, 2022 deserves to be made absolute.

7. Hence the following order:

: O R D E R :

(i) The order of interim bail dated 17th October, 2022 is made absolute on the terms and conditions incorporated therein.

- (ii) The applicant shall regularly attend the proceeding before the jurisdictional court.

Application stands disposed.

[N. J. JAMADAR, J.]