



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3047 OF 2023**

Girish Dilip Navgane

... Applicant

versus

The State of Maharashtra and Anr.

... Respondents

Mr. Sachin R. Pawar, for Applicant.

Mr. M.G.Patil, APP for State.

Mr. Rohan Kaiche, for Respondent No.2.

CORAM: N.J.JAMADAR, J.

DATE : 31 OCTOBER 2023

P.C.

1. Heard the learned Counsel for the parties.

2. This is an application for pre-arrest bail in connection with C.R.No.307 of 2023 registered with Mangaon Police Station for the offences punishable under Sections 376, 376(2)(j) of the Indian Penal Code and Sections 4 and 8 of the Protection of Children from Sexual Offences Act, 2012.

3. The first informant, a 16 year old girl, was studying in 11th standard. She became acquainted with the applicant, a 21 year old boy, prior to three years. Relationship developed between the applicant and the first informant. In the month of January 2023, the applicant allegedly had a sexual intercourse with the first informant at the Applicant's house. Family members of the first informant came to know about the said relationship. Dispute arose. When the first informant asked the applicant to

speak to his parents about their marriage, the applicant stated that he would think of marriage after he starts earning. When the first informant went to the house of the applicant, the family members of the applicant abused and insulted her. Hence, the report.

4. The learned Counsel for the Applicant submitted that the allegations in the FIR would indicate that the applicant and the first informant were in a relationship. When the relationship started, even the applicant was a minor. They had decided to solemnize the marriage. Disputes arose as the family members intervened. On account of the misunderstanding, the first informant lodged the report. The learned Counsel for the Applicant further submitted that before the learned Sessions Court, the first informant had given her consent to grant pre-arrest bail.

5. Learned APP submitted that the allegations in the FIR find support in the medico legal certificate wherein the first informant had narrated the sexual exploitation at the hands of the applicant. Learned APP, however, fairly submitted that in the statement recorded under Section 164 of the Code of Criminal Procedure, 1973 before the learned Magistrate, the first informant and her mother tried to disown the prosecution.

6. Learned Counsel for Respondent No.2, on instructions, submitted that the first informant and her parents do not desire to further prosecute the applicant. An affidavit came to be filed by the father of the first informant to the effect that the

first informant had lodged the FIR under mis-conception and mis-understanding as there were quarrels between the first informant and the applicant, since the applicant had shown disinclination to marry the first informant.

7. Prima facie, it appears that the applicant and the first informant were in relationship for three years. It was a teen age love affair. It also prima facie, appears that the victim had the maturity of understanding to appreciate the consequences of the Act. Eventually, as the families came to know about the relationship and intervened, dispute arose between the applicant and the first informant.

8. The first informant, it appears, disowned the allegations in the FIR in her statement recorded under Section 164 of the Code, before the learned Magistrate. Her mother also followed suit. The father of the first informant has filed an affidavit to the effect that the FIR was lodged on account of misunderstanding.

8. In the aforesaid view of the matter, the applicant deserves the exercise of discretion.

9. Hence, the following order :

ORDER

(i) In the event of the arrest of the Applicant – Girish Dilip Navgane in connection with C.R.No.307 of 2023 registered with Mangaon Police Station, the Applicant be released on bail on furnishing a PR bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

(ii) The Applicant shall co-operate with the investigation and report to Mangaon Police Station on 9th and 10th November 2023 in between 10.00 a.m. to 1.00 p.m., and, thereafter as and when directed.

(iii) The Applicant shall not tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses and the persons acquainted with the facts of the case.

(iv) The applicant shall submit himself to the medical examination, if directed.

(v) The Applicant shall regularly attend the proceedings before the jurisdictional Court.

(vi) The Application stands disposed.

(vii) It is clarified that these prima facie observations are confined to determine the entitlement to pre-arrest bail only.

(N.J.JAMADAR, J.)