

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**ANTICIPATORY BAIL APPLICATION NO. 348 OF 2024**

|                                 |               |
|---------------------------------|---------------|
| Aananda Yashvant Shinde         | ..Applicant   |
| Versus                          |               |
| The State of Maharashtra & Ors. | ..Respondents |

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Mr. Omkar Nagwekar for Applicant.  
Mr. S. H. Yadav, APP for State/Respondent.

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**CORAM : SARANG V. KOTWAL, J.**  
**DATE : 21 JUNE 2024**

**P.C. :**

1. The Applicant is seeking anticipatory bail in connection with C.R.No.745 of 2023 registered at Shivaji Nagar Police Station, Kolhapur, on 06.12.2023, under section 363 of the Indian Penal Code. Subsequently, Section 12 of the Protection of Children from Sexual Offences Act, was added.
2. Heard Mr. Omkar Nagwekar, learned counsel for the applicant and Mr. Yadav, learned APP for the State.
3. The F.I.R. is lodged by the father of the victim. The date of birth of the victim was 09.12.2005. She went missing from 06.12.2023. She had gone to her college but thereafter she did not

return home. Therefore, her father lodged the F.I.R. U/s.363 of the I.P.C. Subsequently, the victim and the applicant came to the police station and as on today the victim is residing with her parents.

4. On the previous occasion, the applicant was protected vide the order dated 07.02.2024 by way of ad-interim relief and the notice was issued to the Respondent No.2. The office note shows that the notice is served on the Respondent Nos.2 and 3 personally. No steps are taken by them to represent them before the Court.

5. Learned counsel for the applicant submitted that the victim and the Applicant got married. The victim is above 18 years now. The marriage took place after she became major and, therefore, no offence is made out. He relied on the joint affidavit, a copy of which is annexed at Exhibit-A to this application.

6. Learned counsel for the applicant states that, during pendency of this application, now the charge-sheet is also filed which contains statement of the said victim. It also exonerates the applicant.

7. Learned APP, on instructions, states that the contention

of the applicant that the applicant had got married with the victim is correct.

8. I have considered these submissions and, in particular, I have perused the statement of the victim. The statement is recorded on 15.12.2023. In that statement itself she has given her name before her marriage, as well as, her name after the marriage indicating that she was married to the present applicant. Her statement shows that the applicant and she were friends. On 06.12.2023, both of them were talking near the college. At that time, her father passed in a rickshaw from that road. Both of them got scared. In particular, the victim was scared and she told the applicant that she was not returning home. Thereafter, both of them went to Pune and then went to Mumbai. They had not gone to any particular lodge or room. On 12.12.2023, they went to a temple near Kolhapur and got married. On 13.12.2023, they came back to Pune and stayed at a lodge. Then on the next day, they stayed with the applicant's friend. On 15.12.2023, they on their own came to the police station. She has categorically stated that the applicant had not caused any harassment to her and they did

not have any physical relations during this period. At the time of recording her statement she had expressed her willingness to go back to her parent's house.

9. Considering her statement, the applicant deserves to be granted protection U/s.438 of the Cr.p.c. The victim is above 18 years of age and the marriage allegedly took place when she had become a major. In this view of the matter, I am inclined to protect the applicant U/s.438 of the Cr.p.c.

10. Hence, the following order :

### **ORDER**

- i) In the event of his arrest in connection with C.R.No.745 of 2023 registered at Shivaji Nagar Police Station, Kolhapur, the applicant is directed to be released on bail on his executing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- ii) The Application is disposed of.

**(SARANG V. KOTWAL, J.)**