

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

ANTICIPATORY BAIL APPLICATION NO.9 OF 2024

Akash Baburao Dongardive Applicant

versus

The State of Maharashtra Respondent

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- Mr. Anjaykumar Kori i/b. Sushant B. Ghadage a/w Nitin Shaligram Chandane, Advocate for Applicant.
- Smt. M. H. Mhatre, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 02nd FEBRUARY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.30/2023, dated 04/02/2023, registered with Deccan Police Station, Pune City, under sections 363 of the Indian Penal Code. Subsequently, sections 376, 376(2)(n) of the Indian Penal Code and section 4, 6, 8 and 13 of the Protection of Children from Sexual Offences Act, 2012 were added.

2. Heard Mr. Anjaykumar Kori, learned counsel for the Applicant and Smt. M. H. Mhatre, learned APP for the State.

3. The FIR is lodged by one Nahasaheb Kamble. He has stated that the victim in this case was 16 years and 6 months of age. On 03/02/2023 the victim went missing. Therefore, the FIR was lodged u/s 363 of the Indian Penal Code. The investigation was carried out and during investigation, the victim was found and her statement was recorded on 12/04/2023. In that statement, she has stated that she had got acquainted with the Applicant and they had decided to get married. Therefore, on 01/02/2023 they had got married at Alandi. For 02/02/2023 and 03/02/2023 she returned to her house. But on 03/02/2023 she went with the Applicant and stayed at the Applicant's friend's house. After that, the Applicant and the victim went to Sinnar and then to Indore. After that, they went to Rangwasa, Indore. The Applicant was working as a security guard. It is alleged that after that, there was some quarrel between the victim and the Applicant. She herself called her mother in April 2023. Her parents came to that place and took her to Pune.

4. Learned counsel for the Applicant submitted that the allegations against the Applicant are not true. The Applicant and the victim are now married. The date of birth of the victim is 17/06/2005. She became major in June 2023. After that, they have got married on 21/07/2023. Learned counsel for the Applicant produced a copy of marriage certificate. He also produced the affidavit of the victim, in which she has stated that she was married to the Applicant. They were residing together and she was completely dependent on the Applicant. She has no objection if the anticipatory bail is granted to the Applicant. A copy of the marriage certificate and the affidavit is taken on record.

5. The victim herself is present in the Court. She informs the Court through learned APP that she has affirmed this affidavit out of her free will. There is no pressure. She is pregnant as of today. She is desirous of residing with the Applicant. Considering this situation, the Applicant needs to be protected u/s 438 of Cr.P.C.

6. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.30/2023, dated 04/02/2023, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)