

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

ANTICIPATORY BAIL APPLICATION NO. 319 OF 2024

Atharva Sachin Vare Through his Father
and legal guardian.

..Applicant

Versus

The State of Maharashtra

..Respondent

Mr. M. J. Bhatt for Applicant.

Ms. Mahalakshmi Ganapathy, APP for State/Respondent.

Mr. Ajit Kamble, API, Rabale Police station, present.

CORAM : SARANG V. KOTWAL, J.

DATE : 5 FEBRUARY 2024

PC. :

1. Leave to amend to remove the name of the Respondent

No.2. Amendment to be carried out forthwith. She shall be described as 'XYZ'.

2. The Applicant is seeking anticipatory bail in connection with C.R.No.8 of 2024 registered at Rabale Police Station, Navi Mumbai, on 03.01.2024, under sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act and U/s.376 of the I.P.C.

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3. Heard Mr. Bhatt, learned counsel for the applicant and Ms. Mahalakshmi Ganapathy, learned APP for the State.

4. This is an extremely unfortunate case in which the applicant himself is a child in conflict with law. He is only 17 years of age. The victim in this case is also 17 years of age. The F.I.R. is lodged by the victim's mother. According to her, the applicant established physical relations with the victim against her wish causing her pregnancy. On this basis, the F.I.R. is lodged.

5. I have heard the learned counsel for the applicant, as well as, learned APP. The investigating officer is present in the Court. The statement of the victim recorded U/s.164 of the Cr.p.c. is also produced before the Court. The statement clearly indicates that, there was an element of consent. Of course, considering her age that consent may not matter, but at the same time, age of the applicant also cannot be ignored. He is also below 18 years of age and hence, a minor. Significantly, the investigating officer has produced a letter dated 04.02.2024 given to him by the Respondent No.2, which is also signed by the victim; for the

purpose of producing it before this Court. The investigating officer is present in the Court and he informed the Court that, it is the wish of the Respondent No.2 and the victim not to oppose grant of anticipatory bail. The victim, as well as, the applicant are appearing for the Board examination of 12th standard and, therefore, it is necessary to decide this application at the earliest; so that, their studies are not affected because of pendency of this application.

6. I have considered these submissions sympathetically. The Investigating Officer has fairly expressed his view and it is supported by the learned APP. In this view of the matter and in the interest of both the applicant, as well as, the victim, this application can be allowed. However, I am putting onus of informing about this order to the informant, on the investigating officer as he is present in the Court.

7. Hence, the following order :

ORDER

i) In the event of his arrest in connection with

C.R.No.8 of 2024 registered at Rabale Police Station, Navi Mumbai, 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 Applicant shall remain present before the Investigating Officer on 09.02.2024. He shall cooperate with the investigation including of the undergoing of necessary medical examination.
- iii) The applicant shall co-operate with the investigating agency, even thereafter, by remaining present before the concerned police station as and when called.
- iv) The Investigating Officer shall inform about this order to the Respondent No.2 personally.
- v) The letter dated 04.02.2024 produced before the Court by the Investigating officer, is taken on record and marked 'X' for identification.
- vi) With these directions, the application is disposed of.

(SARANG V. KOTWAL, J.)