

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 4728 OF 2015**

Satish s/o Ankush Khandagale,  
R/o. Naygaon, Tq. Paithan,  
Dist. Aurangabad.

...Applicant

versus

The State of Maharashtra.

...Respondent

.....  
Mrs. Savita P. Kakade (Matkar) , Advocate for applicant  
Mrs. M.A. Deshpande, A.P.P. for respondent  
.....

**CORAM : N.W. SAMBRE, J.**

**DATE : 30th SEPTEMBER, 2015**

**ORAL ORDER :**

The present applicant is seeking regular bail under Section 439 of the Code of Criminal Procedure in Crime No.I-44/2015 registered with Police Station, Paithan, Taluka Paithan, District Aurangabad, for the offence punishable under Sections 363, 366(A), 376(2) (n) of the Indian Penal Code with Sections 3(a), 4, 5(l), 6,8 and 10 of the Protection of Children from Sexual Offences Act.

2. The allegations against the applicant are that, the applicant, who is aged about 21 years, has developed intimacy with prosecutrix Varsha, aged about 17 years and has established sexual

relationship with her. The applicant and said Varsha left home on 11/03/2015 and spent about three days at Jejuri, resulting into causing of complaint by her mother with the present non-applicant, based on which, offence came to be registered.

3. The investigation in the present matter is completed and charge sheet is already filed.

4. From the record, the date of birth of prosecutrix Varsha is registered as 12/06/1998. From her statement recorded on 17/03/2015, it appears that the sa4902id prosecutrix has developed love relationship with accused-applicant Satish, resulting into offence in question.

5. Learned Counsel for the applicant, in the above referred background, would submit that the applicant is entitled for bail, as investigation is complete and involvement of the present applicant is with the consent of prosecutrix.

6. Learned Counsel for the applicant has also relied upon the order passed by this Court in similar matter bearing Criminal Application No. 5810 of 2014 on 12/11/2014.

7. Learned A.P.P., while opposing the application, has relied upon the fact as regards the date of birth of prosecutrix which is 12/06/1998 and submits that her consent cannot be taken as relevant, she being minor. She has further submitted that the statement of prosecutrix Varsha speaks voluminous about conduct of the applicant and there is *prima facie* evidence available against the applicant of involvement in the crime.

8. Having perused the investigation papers and charge sheet, it is required to be noted from the statement of Varsha that, she has volunteered to pass mobile number to the applicant-accused and has established contact on phone. She has in clear terms stated that she intend to marry with the applicant and permitted the applicant to establish physical contact. The investigation papers reflect that the offence in question is arising out of love affair of present applicant with the prosecutrix.

9. Apart from above, perusal of the medical evidence reflects no external injury to the prosecutrix.

10. In view of above, in my opinion, *prima facie* involvement of the applicant at this stage cannot be inferred. I proceed to pass the following order.

The applicant be released on bail, upon furnishing P.R. Bond of Rs.10,000/- (Rs. Ten thousand) with one surety in the like amount, in connection with Crime No.I-44/2015 registered with Police Station, Paithan, Taluka Paithan, District Aurangabad, for the offence punishable under Sections 363, 366(A), 376(2) (n) of the Indian Penal Code with Sections 3(a), 4, 5(I), 6,8 and 10 of the Protection of Children from Sexual Offences Act.

11. The application is allowed in above terms.

**[ N.W. SAMBRE, J. ]**