

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

934 BAIL APPLICATION NO.1428 OF 2020

RAJU @ CHOTU S/O. DHONDIBA @ PANDURANG  
BHADARGE  
VERSUS  
THE STATE OF MAHARASHTRA

.....

Advocate for Applicants : Mr. Bilollikar Upendra B.  
APP for Respondent-State : Mr. A. S. Shinde

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CORAM : V. K. JADHAV, J.  
DATED : 11<sup>TH</sup> DECEMBER, 2020

**PER COURT :-**

1. The applicant is seeking regular bail in connection with Crime No. 108 of 2020 registered with Kuntur Police Station, Taluka Naigaon (Kh), District Nanded for the offence punishable under Sections 363, 366A, 376(3) of IPC and under Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012. His application with similar prayer below Exhibit 5 in Spl. Case No. 21 of 2020 came to be rejected by the Special Judge, Biloli vide order dated 17.10.2020.

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2. Learned counsel for the applicant submits that the investigation is over and the charge sheet has been submitted. The applicant is a young person having no criminal history. The applicant is detained in jail in connection with the present crime since 22.06.2020. Learned counsel submits that as per the victim's statement, there was a love affair between the applicant and the victim and in consequence thereof, the victim voluntarily left the house and joined the company of the applicant and stayed with him overnight. Learned counsel submits that as per the victim's statement, their love affair was going on since August 2019 and they had sexual relations since then. The applicant is ready to abide the conditions if imposed by this Court while enlarging him on bail. The applicant may be released on bail.

3. Learned APP has strongly resisted the application on the ground that the victim is a minor girl aged 14 years and in view of the same her consent in any form is immaterial. Learned APP submits that the victim has specifically alleged

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against the applicant that the applicant has given her promise of marriage and therefore, she had left her house and joined his company. *Prima facie* there is strong case against the applicant. The applicant may not be released on bail.

4. On going through the allegations made in the complaint and on perusal of the charge sheet, particularly the statement of the victim, it appears that there was a love affair between the applicant and the victim since August 2019 and they had sexual relations since then. Even the medical examination report of the victim indicates the same as the finding is recorded to the effect that there were multiple old hymen tears. There are no allegations about threats. It appears that though the victim is a minor, however, on the day of incident she left the house voluntarily during odd night hours and joined the company of the applicant. It further appears that she had stayed with the applicant overnight and thereafter returned to the house. The applicant is 22 years of age having no criminal history.

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The applicant has roots in the society. He is easily available for trial. Thus, considering the entire aspect of the case, I am inclined to release the applicant on bail with certain conditions. Hence, following order.

### **O R D E R**

- I. The application is hereby allowed.
  
- II. The applicant RAJU @ CHOTU S/O. DHONDIBA @ PANDURANG BHADARGE be released on bail in connection with Crime No. 108 of 2020 registered with Kuntur Police Station, Taluka Naigaon (Kh), District Nanded for the offence punishable under Sections 363, 366A, 376(3) of IPC and under Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012, on his furnishing P.B. of Rs.20,000/- with one solvent surety of the like amount on the following conditions :-

- a] The applicant shall not tamper with the prosecution evidence in any manner.

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b] The applicant shall not make any attempt to meet or communicate with the victim in any manner till conclusion of the trial.

III. Application is accordingly disposed of.

( V. K. JADHAV, J. )

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