

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Criminal Application (BA) No. _____ of 2020 (LD-VC No. 698 of 2020)

*[Akshay s/o Rajesh Deshmukh Vs. State of Maharashtra through P.S.O., P. S. Dabki Road,
Akola, Dist. Akola]*

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A. M. Tirukh, Advocate for the applicant
Shri N. H. Joshi, APP for the State/non-applicant

CORAM : M. G. GIRATKAR, J.

DATE : 27/07/2020

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. Heard learned Advocate Shri Tirukh for the applicant. He has pointed out statement of victim filed along with pursis at page no. 25 of compilation. Learned Advocate has submitted that victim Yogita has stated her age as 18 years in her statement and, therefore, she was major. She herself compelled the applicant to take her. She has performed marriage with the applicant. She resided with the applicant as his wife, therefore, the applicant has not committed any crime.

3. The application is strongly opposed by Shri Joshi, learned Additional Public Prosecutor. He has submitted that the victim was below 18 years and, therefore, the act of applicant amounts to commission of offences punishable under Sections 363, 366 and 354 (D)

of the Indian Penal Code and offences under the Protection of Children from Sexual Offences Act.

4. Perused the statement of victim Yogita Mahadeo Kendre dated 10-8-2019. This statement shows that she was of 18 years at the time of recording of statement. As per her statement, she was in love with the applicant. She suspected her mother that she would perform her marriage with other person, therefore, she herself called the applicant. She told the applicant to take her with him but he was not ready. The victim herself threatened the applicant if he did not take her, then she will commit suicide. Therefore, the applicant taken her with him to Mumbai. They resided there for about six months. Though she has not stated about the sexual relations, but her statement shows that they resided as husband and wife. On 4-8-2019, they came to Buldhana and on 5-8-2019, they performed marriage in Gajanan Maharaj Temple at Malkapur. Statement of victim shows that she was aged about 18 years. When the incident took place in the year 2018, she was on the verge of majority. She herself went with the applicant. She did not make any allegation about sexual intercourse. Looking to the statement of victim the applicant is entitled for bail. Hence, following order.

Applicant Akshay s/o Rajesh Deshmukh be released on bail in Crime No. 282/2018 registered with Police Station, Dabki Road, Akola on execution of PR Bond in the

sum of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one solvent surety of like amount on following conditions.

(i) The applicant shall not tamper the evidence of prosecution witnesses.

(iii) The applicant shall attend the trial Court on each and every date.

5. The application is disposed of.

Criminal Application (LDVC-APPP) Nos. 699 and 700 of 2020

6. In view of disposal of Criminal Application (LDVC-BA) No. 698/2020, the applications are also disposed of.

7. This order be communicated to the Counsel appearing for the parties, either on the email address or on WhatsApp or by such other mode, as is permissible in law.

JUDGE

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