

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Criminal Application (BA) No. 519 of 2021

(Chetan S/o Gajanan Tayade ..vs.. State of Maharashtra through P.S.O., P.S. Balapur, Akola)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Nitesh Samudre, Advocate for the applicant
Mr. N. R. Rode, APP for the State/non-applicant

CORAM : ROHIT B. DEO, J.

DATED : 14-07-2021

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

2. The applicant allegedly induced the complainant, who was then aged 17 years and 2 months, to elope by promising marriage.

3. The prosecution case appears to be that on 4-1-2021, the applicant and the minor eloped. On the basis of report lodged by the mother of the girl, initially, offence under Section 363 of the Indian Penal Code was registered. Even, according to the girl, she was in love with the applicant. The version of the girl is, that while she did elope with the applicant and resided with him for

few days, during the course of which sexual relationship was established, the applicant promised to marry her. It would not be necessary to minutely analyze the material on record. While, the learned Additional Public Prosecutor Mr. Rode points out that the birth certificate is collected and the girl was a minor which would make her consent, if any, irrelevant, this aspect can be looked into by the trial Court.

4. At this stage, I am inclined to grant bail since the applicant has no criminal antecedent and it would not be appropriate to continue the incarceration in judicial custody till the conclusion of the trial. The investigation is complete and the charge-sheet is filed and the applicant is in custody since 10-1-2021. The applicant is relatively young. Without intending to make any observation on the merits, the applicant has made out a case for grant of bail.

5. The applicant be released on bail on furnishing PR bond of ₹ 16,000/- (Rupees Sixteen Thousand) with solvent surety of like amount on following conditions.

(a) The applicant shall not enter the territorial limits/ jurisdiction of Police Station, Balapur, District Akola till the conclusion of the trial unless specifically permitted to do so by the jurisdictional Court for just and exceptional reasons.

(b) The applicant shall not tamper with the evidence or make any attempt to influence the witnesses, directly or indirectly.

(c) The applicant shall not leave the country without the permission of the jurisdictional Court.

6. The application is allowed in the aforestated terms.

JUDGE