

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

CRIMINAL APPLICATION (BA) NO.736 OF 2021

(Gajanan s/o Jaju Bhaskar Vs. State of Maharashtra thr. PSO PS Pathrot, Tq.
Achalpur, Dist. Amravati)

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

Court's or Judge's orders.

Mr. D.S. Khushalani, Advocate for Applicant.
Mr. N.S. Rao, APP for Non-Applciant/State.

CORAM: ROHIT B. DEO, J.

DATE: 3rd SEPTEMBER, 2021.

The applicant is seeking bail in connection with Crime 79/2021 registered with Police Station Pathrot, District Amravati for offences punishable under sections 363, 376(2)(n), 376(3) of the Indian Penal and section 4 and 6 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act) and section 9, 10 and 11 of Child Marriage Restrain Act and section 3 and 4 of Dowry Prohibition Act.

2. I have perused the statements of the alleged victim Ms. 'R' and her parents.

3. The version of the alleged victim and her parents is that Ms. 'R' eloped with the applicant Gajanan on 31.12.2020 and they resided together with the applicant's relative till 15.01.2021. It is not the case of

Ms. 'R' that during the said period she was subjected to sexual intercourse.

4. The prosecution case is that the applicant and Ms. 'R' returned to the village on 16.01.2021 at 10:00 a.m.

5. The statements of the parents of Ms. 'R' reveal that, she and applicant Gajajan married in accordance with the tribal customs. Even according to Ms. 'R' it was only on 16.01.2021 that the sexual relationship was established. Her further version is that everything was fine till Holi and in March, 2021, after a quarrel, the applicant dropped her at her parental house and declared that he would marry again.

6. Considering the material available on record, a *prima facie* case is made out for grant of bail, particularly since the applicant has no criminal antecedents and is not shown to be a flight risk.

7. The application is allowed subject to the following conditions:

- i. The applicant shall execute the personal bond of Rs.16,000/- with one solvent surety of like amount.
- ii. The applicant shall not make any attempt to contact Ms. 'R' or any other witness and breach

of this condition may *ipso facto* entail cancellation of bail.

- iii. The applicant shall not indulge in any criminal activity while on bail.
- iv. The applicant shall not tamper with the evidence.
- v. The applicant shall report at the jurisdictional police station on the 1st and 15th day of every month between 11:00 a.m. to 02:00 p.m.
- vi. The applicant shall attend each date of hearing scrupulously and shall co-operate in early conclusion of the trial.
- vii. The applicant shall not leave the country without the permission of the trial Court.

JUDGE