

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

BAIL APPLICATION NO.795 OF 2022

Vinod s/o Avinash @ Abhinath Jawade ... APPLICANT

VERSUS

The State of Maharashtra & anr. ... RESPONDENTS

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Mr. S.S. Jadhavar, Advocate for applicant

Mr. N.T. Bhagat, A.P.P. for respondent

Ms Pratibha R. Jamdhade, Advocate for respondent No.2

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CORAM : R. G. AVACHAT, J.

DATE : 26th JULY, 2022.

PER COURT :

This is an application under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.75/2022, registered at Dharur Police Station, District Beed for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and Sections 4(2), 6 and 8 of the Protection of Children from Sexual Offences Act. The F.I.R. has been lodged by the father of the victim. It is his case that, his 15 ½ years old daughter (victim) had gone to village Dharur along with her two friends Maya and Radha for sewing/ stitching class. She, however,

did not return home that day. A search was, therefore, made for her, but in vain. He, therefore, lodged the F.I.R. alleging that some unknown person kidnapped his minor daughter for unknown reason.

2. During investigation, both the applicant and the victim came back to the village. The applicant himself appeared at the concerned police station. It is found to be a case of emotional involvement. Both the applicant and the victim had eloped. They first went to Madhya Pradesh, stayed there for few days and then shifted to Pune, and after a stay thereat for some days, came back.

3. I have perused the statement of the victim recorded under Sections 161 and 164 of the Code of Criminal Procedure. In both the statements, she did not attribute the applicant with sexual assault. She has stated in her statement that the applicant had induced her to join him and took her away. It appears that, she is not truthful on this point since both of them had stayed together at more than two places. Since the applicant has not been attributed with any overt sexual act with the victim, and the applicant is aged 23 years, I am inclined to grant bail to the applicant. Hence the order :

ORDER

- (i) The Bail Application is allowed.
- (ii) The applicant be released on bail Crime No.75/2022, registered at Dharur Police Station, District Beed for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and Sections 4(2), 6 and 8 of the Protection of Children from Sexual Offences Act on his executing P.R. bond in the sum of Rs.15,000/- (Rupees fifteen thousand) with one surety in the like amount.
- (iii) The applicant shall not tamper with the prosecution evidence.
- (iv) Fees of Ms Pratibha R. Jamdhade, Advocate for respondent No.2 is quantified at Rs.6000/- (Rupees six thousand).

**(R. G. AVACHAT)
JUDGE**

fmp/-