

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

BAIL APPLICATION NO. 1035 OF 2022

Satyaprem Vaijenath Andhale

..APPLICANT

VERSUS

State of Maharashtra and Another

..RESPONDENTS

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Mr. M.S. Karad, Advocate h/f Mr. S.V. Jadhwar, Advocate for applicant

Mr. S.P. Sonpawale, A.P.P. for respondent no.1 – State

Mr. I.D. Maniyar, Advocate for respondent no.2 - victim

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CORAM : R.G. AVACHAT, J.

DATE : 22nd AUGUST, 2022

PER COURT :

1. This is an application for bail under Section 439 of Code of Criminal Procedure. The applicant has been arrested in connection with Crime No. 81 of 2019 registered with Wadwani Police Station, Dist. Beed for the offences punishable under Sections 363, 376, 366-A and 109 read with Section 34 of the Indian Penal Code and under Sections 4, 6 and 17 of the Protection of Children from Sexual Offences Act, 2012.

2. Heard. Perused the First Information Report ("F.I.R.") and related police papers.

3. Learned A.P.P. and learned counsel for the victim have opposed grant of bail mainly on the ground that the applicant is cousin of the victim. The victim was just little over fifteen years of age and, therefore, consent was immaterial.

4. The F.I.R. was lodged by father of the victim against the present applicant alleging him to have had kidnapped his daughter. Statement of the victim indicates that she had joined the applicant and both of them eloped. Thereafter first they stayed at Lonavala. The applicant secured a job there. After some months of stay at Lonavala, they shifted to Mahalunge. There also they stayed in the premises taken on rent. It is only when the police went there, they came to be brought back to the village. As such, it is a case of emotional involvement. The applicant is twenty-two years of age. He is behind the bars for about twenty-two months. It will take time for commencement and conclusion of trial.

5. In view of above, the application deserves to be allowed. Hence I pass the following order :-

ORDER

(I) The bail application is allowed.

(II) The applicant be released on bail, in connection with Crime No. 81 of 2019 registered with Wadwani Police Station,

Dist. Beed for the offences punishable under Sections 363, 376, 366-A and 109 read with Section 34 of the Indian Penal Code and under Sections 4, 6 and 17 of the Protection of Children from Sexual Offences Act, 2012, on 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.

(R.G. AVACHAT, J.)

SSD