

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

BAIL APPLICATION NO.1066 OF 2022

Shri Jagdish s/o Yuvraj More

... APPLICANT

VERSUS

The State of Maharashtra & anr.

... RESPONDENTS

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Mr. N.N. Desale, Advocate for applicant

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

Mr. K.T. Taur, Advocate for respondent No.2.

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CORAM : R. G. AVACHAT, J.

DATE : 19th AUGUST, 2022.

PER COURT :

Heard. This is an application for bail under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.0130/2022, registered at Sakri Police Station, District Dhule for the offence punishable under Sections 363, 366, 376(2)(N), 506 of the Indian Penal Code and Section 4, 5(L) of the Protection of Children from Sexual Offences Act, 2012.

2. The F.I.R. has been lodged by the father of the victim on 14/4/2022. It has been stated therein that, the victim, his daughter of little over 15 years of age, left the

house by 8.00 in the evening on 13/4/2022. A search was made for her, but in vain. He, therefore, lodged the F.I.R. against an unknown person for having kidnapped his minor daughter.

3. The crime came to be investigated. The father of the applicant appears to have brought the applicant and the victim back to the village. The victim in her statement recorded on 5/4/2022 stated that she was in emotional relationship with the applicant. She used to talk with the applicant from the cell phone of her father. It is her case that, the applicant had asked her to join him for a two-day trip. He had given threat to her that if she did not join, he would commit suicide. She had, therefore, no option but to join him. Both of them went to Sangamner and stayed there in a lodge. The applicant had sexual intercourse with her. The police papers further indicate that, the applicant had secured a job in one farm. Both of them thereafter shifted to Ranjangaon M.I.D.C., stayed there for about seven days. The applicant is alleged to have had sexual intercourse with her many a times during the period they were together. Her statement under Section 164 of the Criminal Procedure Code has also been adverted to, wherein she has stated that, the applicant had confined her in a room for 13 days. He would

leave the room bolting the door from outside. The victim was medically screened two days after her return to the village.

4. The learned A.P.P. and the learned counsel for respondent No.2 would submit that, the victim was just 15 years of age. Her consent was, therefore, immaterial. It was also pointed out that, father of the applicant pressurised the victim and assured his son of no action at the hands of police. The learned counsel meant to say that, the family members of the applicant had encouraged their son to commit the offence. Both the learned A.P.P. and the learned counsel for respondent No.2, therefore, urged for rejection of the bail application.

5. Considered the submissions advanced. Perused the F.I.R. and related papers. Admittedly, it is a case of emotional involvement. The victim had joined the applicant. Both of them eloped and stayed together for about two weeks. In proof of her age, a School Leaving Certificate has been placed on record. The same would be a matter of evidence to be recorded during trial of the case. The applicant is 20 years of age. Considering his age and the fact that it being a case of emotional involvement, and it will take time for commencement and conclusion of the trial, 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 in connection with Crime No.0130/2022, registered at Sakri Police Station, District Dhule for the offence punishable under Sections 363, 366, 376(2)(N), 506 of the Indian Penal Code and Section 4, 5(L) of the Protection of Children from Sexual Offences Act, 2012 on his furnishing 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 enter the village Dhamnar, Taluka Sakri, District Dhule and shall not try to come in contact with the victim till conclusion of the trial.
- (iv) The applicant shall not tamper with the prosecution evidence.

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

fmp/-