

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

BAIL APPLICATION NO. 1091 OF 2022

Siddhodhan @ Banti Shankar Kamble ... Applicant

Versus

The State of Maharashtra and another ... Respondents

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Ms Rakhi Virbhadra Sundale, Advocate for applicant

Mr. V. S. Badakh, APP for respondent No.1 – State

Ms Purva M. Janawade, Advocate (appointed) for respondent No.2

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CORAM : R. G. AVACHAT, J.

DATED : 12th AUGUST, 2022

PER COURT :-

. 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.0074/2022, registered at Mukramabad Police Station, District Nanded, for the offences punishable under Sections 363, 366, 366(A), 376(3), 376(2)(n) read with 34 of the Indian Penal Code and under Sections 4, 6 and 8 of the Protection of Children from Sexual Offences (POCSO) Act, 2012.

2. Heard. Perused the First Information Report (FIR) and related papers.

3. The FIR has been lodged by the father of the victim alleging therein that his 15 year old daughter had been kidnapped by some unknown person for unknown reason. During investigation, it was found that the applicant and the victim had eloped.

4. The learned APP and the learned Advocate appointed to represent the victim would submit that in view of the age of the victim, her consent is immaterial. If the applicant is granted bail, he may manipulate the victim. Both of them, therefore, urge for rejection of application with a direction to the trial Court to expedite the hearing.

5. Considered the submissions advanced. Perused the statement of the victim dated 25.03.2022. She has stated to have been emotionally involved with the applicant for over four years. It was she, who made cell-phone call to the applicant and called him to a particular place. It was she, who insisted to elope. Both of them, therefore, stayed at the house of applicant's maternal uncle. It is

stated in her statement that during their stay, the applicant had sexually intercoursed with her. On 24.03.2022, they returned from the house of the maternal uncle of the applicant and the following day the victim was medically screened.

6. It is a case of emotional involvement. The applicant is 20 years of age. It will take time for commencement and conclusion of trial. The applicant is behind the bars for last four months. In view of the same, the application is allowed in terms of following order:

ORDER

- (i) The Bail Application is allowed.
- (ii) The applicant be released on bail in connection with Crime No.0074/2022, registered at Mukramabad Police Station, District Nanded, for the offences punishable under Sections 363, 366, 366(A), 376(3), 376(2)(n) read with 34 of the Indian Penal Code and under Sections 4, 6 and 8 of the Protection of Children from Sexual Offences (POCSO) Act, 2012, on his executing P. R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with surety bond of the like amount.
- (iii) The applicant shall not tamper with the prosecution evidence.

7. Fees of learned Advocate Ms Purva M. Janawade (appointed) is quantified at Rs.6,000/- (Rupees Six Thousand).

[R. G. AVACHAT, J.]

SMS