

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

BAIL APPLICATION NO. 1217 OF 2022

Shaikh Sameer Shaikh Ajim

..APPLICANT

VERSUS

State of Maharashtra and Another

..RESPONDENTS

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Mr. S.J. Salunke, Advocate for applicant

Mr. R.B. Bagul, A.P.P. for respondent no.1 – State

Mr. A.M. Gaikwad, Advocate for respondent no.2

Ms. Neha Pawar, Advocate for respondent no.2 (appointed)

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CORAM : R.G. AVACHAT, J.

DATE : 19th 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. 62 of 2022 registered with Shivaji Nagar Police Station, Dist. Beed for the offences punishable under Sections 363, 366-A, 376, 376(2)(j), 376(2)(n) and 506 of the Indian Penal Code, under Sections 4 and 8 of Protection of Children from Sexual Offences Act, 2012 and under Sections 3(2)(v) and 3(1)(w)(ii) of the Scheduled Caste and Scheduled Tribes (Prevention of Corruption) Act, 1989.

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

3. The F.I.R. has been lodged by mother of the victim, serving in police department. The victim is little over fifteen years of age. Her statement indicates that she was emotionally involved with the applicant for about two years. Both of them had eloped and stayed together at Pune for about six days. The applicant is a student of third year of Arts stream. He is twenty-one years of age. On investigation, charge-sheet has been filed. It will necessarily take time for commencement and conclusion of trial. No doubt that consent of the victim is immaterial since she is below eighteen years of age.

4. In view of above and considering age of the applicant, the application deserves to be allowed. Hence I pass the following order :-

ORDER

(I) The bail application is allowed.

(II) The applicant be released, in connection with Crime No. 62 of 2022 registered with Shivaji Nagar Police Station, Dist. Beed for the offences punishable under Sections 363, 366-A, 376, 376(2)(j), 376(2)(n) and 506 of the Indian Penal Code, under Sections 4 and 8 of Protection of Children from Sexual Offences Act, 2012 and under Sections 3(2)(v) and 3(1)(w)(ii) of the Scheduled Caste and Scheduled Tribes (Prevention of Corruption) Act, 1989, on executing PR. 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 city of Beed.

(IV) The applicant shall not attempt to communicate with the victim. If any such incident is brought to the notice of this Court with proof thereof, the bail granted to the applicant will be cancelled.

(V) The applicant shall not tamper with the prosecution evidence.

(VI) Fees of Ms. Neha Pawar, learned counsel, appointed to represent Respondent No.2 – victim, is quantified to Rs.5,000/-.

(R.G. AVACHAT, J.)

SSD