

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

BAIL APPLICATION NO. 1268 OF 2022

Dagduba Vaijinath Mulekar

..APPLICANT

VERSUS

State of Maharashtra and Another

..RESPONDENTS

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Mr. A.D. Shinde, Advocate for applicant

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

Ms. S.S. Tekale, Advocate for respondent no.2 – victim (appointed)

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CORAM : R.G. AVACHAT, J.

DATE : 06th SEPTEMBER, 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. 42 of 2022 registered with Kopergaon Police Station, Dist. Ahmednagar for the offences punishable under Sections 363, 366, 465 and 466 of the Indian Penal Code, under Section 11(iv) of the Protection of Children from Sexual Offences Act, 2012 and under Sections 9, 10 and 11 of the Prohibition of Child Marriage Act, 2006.

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

3. The F.I.R. has been lodged by father of the victim on 15th February, 2022 contending therein that some unknown person kidnapped his daughter, aged 16 years 5 months, for some unknown reason. The crime was investigated. During investigation it was found that the applicant and the victim had eloped and stayed at Kalyan for little over fifteen days.

4. Learned A.P.P and learned counsel appointed to represent Respondent No.2 – victim have strong reservation for grant of application on the ground that the applicant is thirty years of age. He is married. The victim is sixteen years of age.

5. Considered the submissions advanced. Perused the statement given by the victim. It is her case that she was emotionally involved with the applicant. Both of them eloped and even got married with each other. They stayed together at Kalyan for little over fifteen days. Her statement is conspicuously silent to state the applicant to have sexually exploited her. On investigation, the charge-sheet has been filed. In the aforesaid factual backdrop, this Court is inclined to grant the applicant bail.

6. 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. 42 of 2022 registered with Kopargaon Police Station, Dist. Ahmednagar for the offences punishable under Sections 363, 366, 465 and 466 of the Indian Penal Code, under Section 11(4) of the Protection of Children from Sexual Offences Act, 2012 and under Sections 9, 10 and 11 of the Prohibition of Child Marriage Act, 2006, 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.

(IV) Fees of Ms. S.S. Tekale, learned counsel, is quantified to Rs.6,000/-.

(R.G. AVACHAT, J.)

SSD