

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

BAIL APPLICATION NO.1326 OF 2022

Vikas s/o. Baban Potre

..Applicant

Vs.

The State of Maharashtra
and ors.

..Respondents

Mr.P.P.More, Advocate for applicant

Mr.R.B.Bagul, APP for respondent no.1

Mr.Mukul Kulkarni, Advocate for respondent no.2

CORAM : R.G. AVACHAT, J.

DATE : SEPTEMBER 05, 2022

ORDER :-

This is an application under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.0155 of 2022 registered with Maujpur Police Station, Dist. Jalna.

2. Heard learned counsel appearing for the parties.

3. The First Information Report (FIR) has been lodged by the brother of the victim. What can be gathered from the FIR is that on the intervening night of 30.05.2022 and 31.05.2022, the victim left her home. After 2-3 days, she was found along with the applicant. The statement of the victim has been recorded on 01.06.2022. It is

her case that she was emotionally involved with the applicant for about five years. She even wanted to marry him. But her parents decided to give her in marriage to someone else. She, therefore, informed the same to the applicant and both of them, therefore, eloped and stayed together in a lodge at Lonar. During their togetherness, the applicant had sexual intercourse with her.

4. Learned APP and learned counsel for the informant would submit that the consent of the victim is immaterial since she is below 18 years of age. The applicant sexually exploited her. The trial court may be requested to expedite hearing of the case. Both of them, therefore, urged for rejection of the application.

5. Considered the submissions advanced. Perused the FIR and the related papers.

6. The victim was little over 16 years of age at the relevant time. It is a case of emotional involvement. The applicant is 22 years of age. The victim wanted to marry the applicant and therefore, both of them eloped. On investigation, charge sheet has now been filed. In the aforesaid factual backdrop, the Court is inclined to grant the applicant bail.

7. Hence, the following order:-

(i) The application is allowed.

(ii) The applicant be released in connection with Crime No.0155 of 2022 registered with Maujpur Police Station, Dist. Jalna, 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.]

KBP