

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

BAIL APPLICATION NO. 1479 OF 2022

Parasram Balu Pawar

..APPLICANT

VERSUS

State of Maharashtra and Others

..RESPONDENTS

....
Mr. S.A. Bagal, Advocate for applicant

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

Ms. R.R. Tandale, Advocate for respondent no.2 (appointed)

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CORAM : R.G. AVACHAT, J.

DATE : 27th 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. 221 of 2022 registered with Pathari Police Station, Dist. Parbhani for the offences punishable under Sections 363, 366-A and 376(2)(i) read with Section 34 of the Indian Penal Code and under Section 4 of the Protection of Children from Sexual Offences Act, 2012.

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 18th May, 2022. In short, the case of the prosecution is that the applicant and the

victim, below eighteen years of age, were emotionally involved. The applicant took her away with him with a promise of marriage. Both of them stayed together for about two months. It is only on intervention of police they came to be brought back. During their togetherness, the applicant is alleged to have had sexual intercourse with the victim.

4. Learned counsel for the victim would submit that consent of the victim is immaterial. The applicant has extended her false promise of marriage and thereby sexually exploited her many a time.

5. The applicant is twenty-one years of age. It is a case of emotional involvement. It will take time for commencement and conclusion of trial. In the factual backdrop, pre-trial detention of the applicant is unwarranted.

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. 221 of 2022 registered with Pathari Police Station, Dist. Parbhani for the offences punishable under Sections 363, 366-A and 376(2)(i) read with Section 34 of the Indian Penal Code and under Section 4 of the Protection of Children from

Sexual Offences Act, 2012, 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 tamper with the prosecution evidence.

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

(R.G. AVACHAT, J.)

SSD