

(1)

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

**BAIL APPLICATION NO.1538 OF 2022**

Sagar s/o. Ramesh Ingole,  
Age 19 years, Occu. Labour,  
R/o. Village Aadgaon, Taluka Pusad,  
District Yawatmal. .. Applicant

Versus

1. The State of Maharashtra  
Through Hatta Police Station,  
District Hingoli.
2. XYZ .. Respondents

Mr. Dhananjay M. Shinde, Advocate for applicant;  
Mr. K. S. Patil, A.P.P. for respondent No.1/State;  
Ms. Ashwini A. Lomte, Advocate for Respondent No.2 (*appointed*)

**CORAM : S. G. MEHARE, J.**

**DATE : 18<sup>th</sup> October, 2022**

**PC.**

1. Heard the learned counsel for the applicant, the learned counsel for the respondent/State and the learned counsel for respondent No.2/victim.
2. The learned counsel for the applicant would submit that the applicant was 19 years old at the time of the incident and the victim was 15 years and 4 to 5 months old. He would submit that the

(2)

chargesheet has been filed. The victim and the applicant are the residents of the same village. They had love affair. With consent, the victim eloped with the applicant. They resided together for three months. Since it was a consensual affair, the applicant cannot be kept behind bars.

3. The learned A.P.P. and the learned counsel appearing for the respondent No.2/victim have strongly opposed the application. They would submit that the victim was just 15 years and 4 months old at the time of the incident. The statement of the victim reveals that the applicant induced the victim to elope with him. Instead of proposing her parents, the applicant preferred to elope. The applicant did sex with the minor girl. The offence is serious. The chargesheet is filed. The trial is likely to open in near future. The applicant may tamper with the prosecution witnesses. The victim was belonging to the different caste. There may be a serious conflict in the village. Hence, the application may be dismissed.

4. The facts as discussed above have not been disputed by the learned counsel for the applicant. Apparently, the victim was minor below the age of 18 years at the time of the incident. The statement of the victim reveals that the applicant induced her to elope with him and accordingly as per the predetermined plan, the applicant entered

(3)

the hut of the victim. When he woke her up, he mistakenly hold the hand of her mother. Her mother asked what happened. He pretended that he needs Zandu Balm for his headache. In the same night, he took away the victim on his motorbike to Vasmat. Considering the statement of the victim, it *prima facie* reveals that it was the applicant, who induced the victim to elope with him. The offence is grievous. The victim may still be under the influence of the applicant. Therefore, it would not be appropriate to release the applicant on bail. Hence, the application stands dismissed.

5. The fees payable to the learned counsel appointed for respondent No.2 is quantified at Rs.5000/-.

6. Needless to state that, the aforesaid observations are confined to the bail application only. The trial Court should not get influenced by the observations made in the order.

(S. G. MEHARE, J.)

amj