

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

935 BAIL APPLICATION NO.1611 OF 2021

VIJAY GAUTAM @ CHABU KAMBLE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Karpe Rahul R.
APP for Respondents/State : Mr. V.S. Badakh
Advocate for R/2: Mr. Dhanraj Ingole

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CORAM : M.G. SEWLIKAR, J.
DATE : 13th January, 2022

PC.:-

Heard.

2. Applicant is alleged to have committed offence under Section 363, 376 (2)(j)(n) of the I.P.C. and under Section 3, 4 of the POCSO Act vide Crime No.600/2021. It is alleged that the applicant is 19 years of age and the informant is 17 years 4 months of age. FIR is lodged by the father of the informant. It is alleged that she left the house for attending the college. However, she did not return. Therefore, FIR came to be lodged.

3. During investigation it was revealed that the applicant and the victim had gone to Jejuri for solemnization of marriage, however, the priest in Jejuri temple refused to get them married as the victim was under age.

4. I have heard learned counsel for the applicant Shri Karpe, learned APP Shri Badakh and Shri Ingole learned counsel for respondent no.2.

5. Charge-sheet is filed. Applicant is 19 years of age. Applicant is alleged to have kidnapped the victim on 15th September, 2021 and they were traced on 17th September, 2021. Despite filing of charge-sheet report of medical examination of the victim is not annexed with the charge-sheet. Learned APP invited attention of this Court to the communication by Police Station Karjat to the Medical Officer thereby requesting the Medical Officer to provide the medical certificate. Since the medical certificate is not available, it cannot be gauged as to whether victim was subjected to penetrative sexual assault. Considering the age and the evidence collected by the prosecution, I am inclined to release the applicant on bail with stringent conditions. Hence the following order is passed:

ORDER

- I) Application is allowed.
- II) Applicant be released on PR bond of Rs.15,000/- with one solvent surety in the like amount, in connection with Crime No.600 of 2021 under Section 363, 376 (2) (j) (n) and under Section 3, 4 of the POCSO Act with Karjat Police Station, District Ahmednagar on condition that he shall not keep any contact with the victim and he shall not enter Taluka Karjat till the conclusion of the trial.