

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 2734 OF 2021

Baburam Alias Babulal Ramkhilawan Yadav	...Applicant
Versus	
The State Of Maharashtra and Anr.	...Respondents

None for applicant
Mr. Sushil A. Inamdar for complainant / respondent no. 2
Mr. S.V. Gavand, APP for State

CORAM: M. S. KARNIK, J

DATED: DECEMBER 13, 2022

PC:-

1. This is an application for bail filed by the applicant – Baburam Alias Babulal Ramkhilawan Yadav, in respect of C.R. No. I 401 of 2020 registered with Ambarnath Police Station, for the offence punishable under sections 363, 376(2)(n) of the Indian Penal Code, 1860 and under sections 4, 5(l), 6, 8, 10 and 12 of the Protection of Children from Sexual Offences Act, 2012.
2. None appeared for the applicant. With the assistance

of learned counsel for complainant Mr. Inamdar and learned APP for State, I have gone through the case papers. The incident is of 01/07/2020. The First Information Report is lodged on 01/07/2020. The applicant came to be arrested on 19/03/2021 and in custody for more than 1 year and 8 months. The age of the victim at the relevant time was 16 years and 6 months. From the statement of the victim recorded on 20/07/2020, it is seen that she was in relationship with the applicant. As indicated earlier, the age of the victim was 16 years and 6 months and she voluntarily accompanied the applicant. The applicant had taken her to Uttar Pradesh where she resided with the applicant for a couple of days. In the statement, she has stated that the applicant and the victim married. The couple had physical relations. Even the statement under section 164 of the Code of Criminal Procedure, 1973 (hereafter "Cr.P.C.", for short) which came to be recorded on 29/07/2020, reveals that the relationship was consensual.

3. Mr. Inamdar, learned counsel for the complainant opposed the application and submitted that considering the age of the victim and the age of the applicant, it is not a fit

case where the applicant deserves to be released on bail.

4. Considering the age of the victim and the incident as narrated by the victim in statements recorded under sections 161 and 164 of Cr.P.C., I find that this is case of a love affair between the applicant and the victim, who even got married. It is not as if the applicant was already married. The applicant has been in custody since more than 1 year and 8 months. There is no likelihood of the trial commencing any time soon. Considering the totality of the circumstances and now that the charge-sheet has been filed and the investigation is completed, no purpose will be served by prolonging the custody of the applicant. No criminal antecedents are reported. The applicant can be released on bail. Hence the following order.

ORDER

(a) The applicant – Baburam Alias Babulal Ramkhilawan Yadav, in respect of C.R. No. I 401 of 2020 registered with Ambarnath Police Station, shall be released on bail on furnishing P.R. bond in the sum of Rs.15,000/- with one or more sureties of the like amount.

(b) The applicant shall report to the concerned police station once in month, i.e. on

first day of every month between 10.00 a.m. and 12.00 noon.

(c) The applicant shall attend the Trial Court regularly.

(d) On being released on bail, the applicant shall furnish her contact number and residential address to the Investigating Officer and shall keep him updated, if there is any change.

(e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant should not tamper with evidence.

(f) Learned APP to communicate this order to the applicant.

5. I express my gratitude for the able assistance rendered by the advocate - Mr. Sushil A. Inamdar representing the complainant.

6. The application is disposed of.

(M. S. KARNIK,J.)