

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO. 865 OF 2022

Tejram s/o Manohar Tete **Versus** State of Maharashtra, thr. PSO Adyal, Dist. Bhandara and another.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri K.S.Motwani, Advocate for the applicant.

Shri Ashirgade, A.P.P. for the non-applicant No.1/State.

Ms Kirti Deshpande, Advocate (appointed) for non-applicant No.2.

CORAM : ANIL S. KILOR, J.
DATED : 07/10/2022

1. The applicant is seeking bail in connection with Crime No.81/2022, registered with Police Station Adyal, District: Bhandara, for the offences punishable under Sections 366(A), 376(2) of the Indian Penal Code, 1860 and Sections 4 and 6 of the Protection of Children from Sexual Offences Act 2012 (POCSO).

2. The prosecution case is that, the victim lodged the report alleging that, the applicant said that he loves the victim and promised that he will keep the victim happy and she will not require to go anywhere for work. Therefore, she went with the applicant and thereafter they got married and resided together.

3. It is further that on 01/05/2022, she went to her grandmother to meet her as she was not well. It is

alleged that, thereafter, the applicant refused to take back her and therefore, on 02/05/2022, the report was lodged.

4. After going through the allegation and the evidence collected by the Investigating Officer, it can be seen that there was love affair between the applicant and the victim and they got married. The said marriage though is not valid, as the victim was minor on the date of the marriage.

5. From the charge-sheet further it can be seen that after marriage they reside together till 01/05/2022 i.e till a day prior to the lodgment of the report.

6. The applicant is in jail from last five months and the investigation is completed.

7. Thus, considering the fact that there was love affair between the applicant and the victim and as the investigation is completed, I am of the opinion that, the applicant should be released on bail, though the learned APP and learned counsel for the victim strongly opposed the present application. In the circumstances, I pass the following order:

- a) The criminal application is **allowed**.
- b) It is directed that in connection with Crime No.81/2022, registered with Police Station Adyal, District: Bhandara, for the offences punishable under Sections 366(A), 376(2) of the Indian Penal Code, 1860 and Sections 4 and 6 of

the Protection of Children from Sexual Offences Act 2012 (POCSO), the applicant shall be released on bail on furnishing P.R. Bond of Rs.20,000/- with one solvent surety in the like amount.

- c) The applicant shall attend the concerned Police Station as and when his presence is required.
- d) Fees of the learned counsel for the non-applicant No.2 is quantified as per Rules.

The criminal application is **disposed of**, accordingly.

[ANIL S. KILOR, J.]