

(1)

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

BAIL APPLICATION NO.88 OF 2023

ALTAF AHMED BEG
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Salunke Sudarshan J
APP for Respondent/State : Mr. K.S. Patil
Advocate for Respondent No.2 : Mr. Ravindra B. Narwade Patil
(Appointed Through Legal Aid)

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

DATED : FEBRUARY 07, 2023

PER COURT:-

1. Heard learned counsel for the applicant, learned APP for the State and learned counsel for the victim.
2. It appears from the allegations that the victim has consented for the marriage and thereafter, the applicant and the victim developed relationship. Then suddenly a u-turn appears to have been taken. The allegations that the applicant kidnapped the victim does not appeal to the mind. Considering the papers placed before the Court, it appears that something different has happened in the relationship.
3. The learned counsel appearing for the victim has strongly opposed the application. He would argue that the offence is serious. The victim was minor. The force has been applied. The

applicant is avoiding to marry the victim. Hence, the application is devoid of merit.

4. In addition to the discussion above on facts, it also appears that the marriage of the victim and the applicant was settled, but for some reason it could not be performed. The victim was 17 years old at the time of the incident. The overall facts favours the applicant to get the bail. Hence, the following order :

ORDER

(i) Bail Application is allowed.

(ii) The applicant, Altaf Ahmed Beg, be released on bail on executing P.B. and S.B. of Rs.50,000/- (Rupees fifty thousand) with one solvent surety in the like amount in connection with Crime No.186 of 2022, registered with Majalgaon (City) Police Station, District Beed for the offence punishable under Section 363, 366, 376(2)(n), 417 of the Indian Penal Code and Section 4 and 6 of the Protection of Children From Sexual Offences Act, on the conditions that;

(a) The applicant shall not contact the victim in any way till the conclusion of the trial.

(b) The applicant shall not tamper with the prosecution witnesses.

(3)

(iii) The Secretary, High Court Legal Services Sub-Committee, Aurangabad Bench do pay the legal fees to the learned counsel appointed for the victim, as per the schedule.

(S.G. MEHARE, J.)

Mujaheed//