

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

BAIL APPLICATION NO.269 OF 2023

**RAJESH RAJARAM JADHAV
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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Advocate for Applicant : Mr. J. V. Patil
APP for Respondent No.1: Mr. K. S. Patil
Advocate for Respondent No.2 : Manjushri Shendge Narwade
(appointed Through Legal Aid)

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CORAM : S. G. MEHARE, J.

DATE : 08.03.2023

PER COURT :

1. Heard the learned counsel for the applicant, the learned A.P.P for respondent/State and the learned counsel for respondent No.2/victim.
2. The statement of the victim reveals that she had affair with the applicant. She went with him at her own and performed the marriage with the applicant. Till performing the marriage, he never did forceful sex with her. After marriage they started marital life. Meantime, the report was lodged by her parents. Her maternal father-in-law produced them before the police station. The charge sheet does not bear statement recorded under Section 164 of the Cr. P.C. She was 14 years and two months old when she left house of her parents. Considering, her conduct

and the statement, it appears that she was able to take an appropriate decision and know well the consequences of the act she was doing. The investigation has been completed. Nothing is to be recovered from the applicant. Hence, he deserves bail.

ORDER

- (i) The application is allowed.
- (ii) Applicant Rajesh Rajaram Jadhav be released on bail, on furnishing P. B. and S.B. of Rs. 50,000/- (Rupees Fifty Thousand only), with one solvent surety of the like amount, in Crime No. 338 of 2022, registered at Jamner Police Station Taluka Jamner, District Jalgaon, for the offences punishable under Sections 363, 366 376(2), (j) (n) read with Section 34 of the Indian Penal Code and under Sections 4, 6 of Protection of Children From Sexual Offences Act and under Sections 9, 10, 11 of Prohibition of Child Marriage Act, 2006 on the conditions that,
 - (a) He shall not tamper with the prosecution witnesses.
 - (b) He shall not contact the victim and his family members in any mode or manner till conclusion of the trial.
- (iii) The Secretary, High Court Legal Services Sub-Committee, Aurangabad do pay the fees to the counsel appointed for respondent No.3 as per schedule.

(S. G. MEHARE J.)