

(1)

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

BAIL APPLICATION NO.360 OF 2023

RAHUL PAWANKUMAR DHAWARE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Sandanshiv Milind B.
APP for Respondent/State : Mr. S.P. Deshmukh
Advocate for Respondent No.2 : Ms. Varsha V. Sundale

...

CORAM : S.G. MEHARE, J.

DATED : MARCH 29, 2023

PER COURT:-

1. Heard learned counsel for the applicant, learned APP for the State and learned counsel for the victim.
2. Perused the papers. The victim in her statement before the medical officer, stated that she went with the applicant voluntarily as she was liking him.
3. The applicant has also a case that they were in love relationship. However, her parents were opposing; hence, she was taken forcibly into custody with the assistance of the police. She was threatened. Hence, she has given the incorrect statement before the police. They were in contact for a long time. It was purely an affair. The medical evidence also does not support the prosecution. She was 17 years and 11 months old at the time of the incident. They were about to marry, but due to family obstruction, they could not marry.

The material investigation has been completed. Hence, he may be granted bail.

4. Learned counsel appearing for the victim has vehemently argued that the victim was minor at the time of incident. The applicant lured her and under the false pretext to marry did forcible sex with her. She has now set her future life. She has an apprehension of disturbing her new marital life at the hands of the applicant. Hence, she prays to dismiss the application. Learned APP has also opposed the application on similar grounds.

5. The papers reveals that victim had relationship with the applicant. On the day of the incident, she voluntarily eloped with the applicant. The possibility of pressuring her to give the statement against him cannot be ruled out. Her statement as regards her eloping are contradictory, but *prima facie* it can be believed that it was a case of affair. The material investigation has been completed. Nothing is to be recovered from the applicant. The apprehension of the victim may be guarded by imposing certain conditions. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Rahul Pawankumar Dhaware, 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.34

(3)

of 2023, registered with Ambajogai Police Station, District Beed for the offence punishable under Section 363, 366(A), 376, 376(2)(n)(f) of the Indian Penal Code and Section 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act, on the conditions that he shall not tamper with the prosecution witnesses.

(iii) The applicant shall attend the concerned police station as and when called on written notice by the investigating officer, till filing the charge sheet.

(iv) The applicant shall not contact the victim in any mode or manner anytime.

(S.G. MEHARE, J.)