

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.731 OF 2023

RAVI BALIRAM VIDHATE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. C. C. Deshpande holding for
Mr. Mr. K. P. Rodge and Mr. M. N. Kalyane
APP for Respondent No.1 : Mr. S. B. Narwade
Advocate for Respondent No.2 : Mr. S. B. Jadhav
(appointed Through Legal Aid)
...

CORAM : S. G. MEHARE, J.

DATE : 05-06-2023

PER COURT :-

1. Heard the learned counsel for the applicant, the learned A.P.P. for respondent No.1/State and the learned counsel for the respondent No.2/victim.
2. The victim has been produced from the Government Girls Hostel as she was sent by Child Welfare Committee, Latur. The victim in her handwriting has submitted an application that she has no objection to grant bail to the application. Her written statement is taken on record and marked as Annexure 'A'.
3. The learned counsel for the applicant would submit that the victim and the accused are relative. They performed the marriage.

However, the parents of the victim were strongly opposing their relationship. Hence, under pressure a false police report has been lodged. The victim has delivered a female baby child. Victim in person states that her parents were not ready to take her in their custody and she is also not willing to reside with them.

4. The learned counsel for the applicant further argued that the victim has unnecessarily been abandoned. No one is there to take her care. The investigation has been completed. Nothing is to be recovered from the applicant. The applicant admits the paternity of the baby child. He may take care of the victim and the child if he would have been released on bail.

5. As against this, the learned counsel for respondent No.2/victim would submit that this is a second incident with the victim. At the time of last incident, the victim was around 15 years old. Hence, her consent is immaterial. Their alleged marriage is void. The applicant may tamper with her evidence. The offence is serious. Hence, he may not be granted bail.

6. The learned A.P.P. has also opposed the application on illegal ground as argued by the learned counsel for respondent No.2/victim.

7. The facts of the case reveals that the parents and family members of the victim were opposing the relationship between the

victim and the applicant. The statement of the victim appears material that she do not want to go with her parents and they are also not ready to take her in custody. The fact also need to be considered that nobody is there to take care of the victim and a newly born child. They should not suffer unnecessarily. Whether offence is made out or not is a matter of evidence before the Court. The chargesheet has also been filed. In these peculiar circumstances, the Court is of the view that the accused may be released to protect the interest of newly born child. Hence, the following order:-

- i) Bail application is allowed.
- ii) Applicant Ravi Baliram Vidhate be released on bail, on furnishing PB and SB of Rs.50,000/-, with one solvent surety of the like amount, in C.R.No.0061 of 2021, registered with Deoni Police Station, District Latur, for the offences punishable under Sections 363, 366, 376(2)(n), 376(3) of the Indian Penal Code and Sections 4, 5(j)(2), 6, 8, 12 of the the Protection of Children from Sexual Offences Act, 2012, on the conditions that,
 - (a) He shall not threat family members of the victim or the other witnesses.
 - (b) He shall attend the trial on each effective date.
- iii) The Secretary, High Court Legal Services Sub-Committee, Aurangabad, do pay the fees to the learned counsel appointed for respondent No.2/victim as per the schedule.

(S. G. MEHARE, J.)