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

BAIL APPLICATION NO.864 OF 2023

SURAJ S/O RANJEET BHAGAT
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Gandle Mahendra Panditrao
APP for Respondent/State : Mr. S.B. Narwade
Advocate for Respondent No.2 : Mr. Quadri Syed Afzal Pasha

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CORAM : S.G. MEHARE, J.

DATED : JULY 04, 2023

PER COURT:-

1. Heard learned counsel for the applicant, learned APP for the State and learned counsel for the victim.
2. The applicant is seeking bail in Crime No.14 of 2022 registered with Peth Beed Police Station, District Beed for the offence punishable under Section 363, 366(A), 376, 376(2)(j), 376(2)(n) r/w 34 of the Indian Penal Code, Section 4 and 6 of Protection of Children From Sexual Offences Act, Section 3(1)(w)(2), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Section 5 of the Prohibition of Child Marriage Act.
3. Perused the papers. A candid statement of the victim is that no incident as alleged happened. They were voluntarily in their relationship. However, her mother was opposing them to marry. Her mother proposed her to marry at another place against her desire;

hence, they decided to marry. She has absolutely made no allegations against the applicant. However, learned counsel for the victim would argue that the applicant is from West Bengal, so he may flee away. There is danger to the life of the family of the victim. The victim was minor at the time of the alleged incident. Hence, her consent is immaterial.

4. The mother is strongly opposing the application. It seems that she is not satisfied with the relationship between them. But the statement of the victim under Section 164 of Cr.PC. cannot be ignored. That is apparent against what the mother is saying in her reply.

5. Admittedly, the victim was 16 years and 8 months old at the time of the incident. Her candid statement reveals that she was well able to take appropriate decision. She seems to be matured and know the consequences of the act she has committed. In various cases, similar view has been taken that the victim above 16 years is able to take an appropriate decision knowing the consequences of the act she was doing. Barely the applicant is residing in the State of West Bengal may not be a ground to reject the bail. West Bengal is a part of our country and he is Indian. Nothing is to be recovered from the applicant. His presence for the trial may be secured by imposing conditions. He has a good case for bail on merit. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Suraj Ranjeet Bhagat, 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 the above crime, on the conditions that he shall not tamper with the prosecution witnesses.
- (iii) The applicant shall attend the trial on each effective date.
- (iv) The applicant shall not threat the family members of the victim.

(S.G. MEHARE, J.)