

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

BAIL APPLICATION NO.885 OF 2023

**ASIF RAMZAN TADVI
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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Advocate for Applicant : Mr. G. V. Wani
APP for Respondent No.1 : Mr. S. P. Deshmukh
Advocate for respondent No.2 : Mr. P. B. Kadam
(Appointed through legal aid)

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CORAM : S. G. MEHARE, J.

DATE : 30.06.2023

PER COURT :

1. Heard the learned counsel for the applicant, the learned A.P.P. for the respondent/State and the learned counsel for the victim.
2. The applicant is seeking bail in Crime no. 6/2023 registered with Police Station Nimbhora, Taluka Raver District Jalgaon for the offences punishable under Sections 363, 376(2)(n) of the Indian Penal Code and under Section 4 of The Protection of Children From Sexual Offences Act.
3. The papers reveal that it was a love affair. There are two documents as regard the date of birth of the victim. One is issued by

the Block Development Officer and another was by the Head Master of the School, where the victim was studying. The certificate of the School produced by the applicant reveals that she was above 18 years and the certificate collected by the prosecution reveals that she was below 18 years. Be that as it may, the statement of the victim reveals that she forced the applicant to flee away and then they started living as husband and wife. Even if the date of birth provided by the prosecution is believed, she was 17 years and few months old. Her statement reveals that she had taken a conscious decision to flee away with the applicant. She was also able to know the consequences of the act she was doing. The applicant is also 18 years boy having no antecedents to his discredit. The charge sheet has been filed. Nothing is to be recovered from the applicant. In the facts and circumstances of the case, the application deserves to be allowed.

ORDER

- (i) The application is allowed.
- (ii) Applicant Asif Ramzan Tadvī be released on bail on furnishing P.B. and S.B. of Rs. 50,000/- with one solvent surety of the like amount in aforementioned crime registered with aforementioned police station, on the following conditions :-
 - (a) He shall not tamper with the prosecution witnesses.

(b) He shall not contact the victim till conclusion of the trial.

The Secretary, High Court Legal Services Sub-Committee, Aurangabad do pay the fee to the learned counsel appointed for respondent No.2/victim, as per the schedule.

(S. G. MEHARE)
JUDGE

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