

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

919 BAIL APPLICATION NO.942 OF 2023

ROHIT VIJAY KAMBLE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Syed G. R.
APP for Respondent-State : Ms. V. N. Patil-Jadhav.
Advocate for Respondent No.2 : Mr. N. K. Tungar (Appointed
Through Legal Aid).
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CORAM : S. G. MEHARE, J.
DATE : 13.07.2023

PER COURT :-

1. Heard the learned counsel for the applicant, learned APP for the respondent-State and learned counsel appointed for respondent No.2.
2. The applicant is seeking bail in Crime No.49 of 2023, registered with Ahmedpur Police Station, District Latur, for the offences punishable under Sections 376, 376(2)(N), 363 of the IPC and Section 4 of the POCSO Act.
3. The arguments of the respective counsels and the papers reveal that it was a case of love affair. There was discord between the mother and the father of the victim. Hence, the victim was residing with her sister at village and the mother

was going for work at other town. However, the statement of the victim is candid that she was intending to marry the applicant. When the mother learnt about their relationship, she started searching for a match for her. Therefore, she fled away with the applicant. She was more than 17 years at the time of the incident. Her statement itself reveals that she had taken the decision consciously to elope with the applicant and intending to marry. Nothing is to be recovered from the applicant. The victim is now in the custody of her mother.

4. Learned APP and learned counsel for the victim would submit that since her mother is alone and has no support from any male member and considering the conduct of the relatives of the applicant, she has an apprehension at their hands. Therefore, stringent conditions may be imposed to assure the victim and her family that they are safe. This prayer seems to be appropriate. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **ROHIT VJAY KAMBLE** 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.49 of 2023, registered with Ahmedpur Police Station, District Latur, for the offences punishable under Sections 376, 376(2)(N), 363 of the IPC and Section 4 of the POCSO Act, on the following conditions :

- (a) The applicant shall not tamper with the prosecution witnesses.
 - (b) The applicant himself shall not contact the victim, her mother, any of her relatives and also not allow his relatives to contact or threaten the mother of the victim.
 - (c) He shall not visit the village where the victim and her mother is residing presently till conclusion of the trial.
 - (d) He shall attend the trial on each and every date.
- (iii) The Secretary, High Court Legal Services, Sub-Committee, Aurangabad do pay the legal charges to advocate Mr. Tungar appointed for respondent No.2 as per the schedule.

- (iv) Needless to state, these are the observations restricted to the present bail application.

(S. G. MEHARE, J.)

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vmk/-