

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

BAIL APPLICATION NO.1028 OF 2023

**SHAIKH MUJAMMIN S/O. SHAIKH KHALIL
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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Advocate for Applicant : Mr. S. E. Shekade
APP for Respondent No.1: Mr. K. S. Patil
Advocate for respondent No.2 : Minakshi Laxman Sangit

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CORAM : S. G. MEHARE, J.

DATE : 09.08.2023

PER COURT :

1. Heard the learned counsel for the applicant, the learned A.P.P. for the respondent No.1/State and the learned counsel for respondent No.2/victim.
2. The applicant seeks bail in Crime No. 506/2022, registered with Police Station, Hingoli (City), District Hingoli for the offences punishable under Sections 363, 376 of the Indian Penal Code and under Section 4 of the Protection of Children From Sexual Offences Act, 2012.
3. The papers submitted with the charge sheet reveal that the

victim was seventeen years and three months old at the time of the incident. Her marriage was proposed. She was going to Uttar Pradesh with her family. However, before leaving for Uttar Pradesh, one fine morning she voluntarily eloped with the applicant. It seems that the accused and the victim had consensual relationship. She was in a advanced age and able to know the consequences of the act she was doing.

4. The learned counsel for the victim has argued that the victim and her family have been forced to convert the religion and family members of the applicant threatened them. However, there is no material before this Court in that regard.

5. It seems a case of love affair. The charge sheet has been filed. The applicant is also a young boy having no antecedents to his discredit. However, to guard the apprehension of the prosecution of tampering with the prosecution witnesses, certain conditions may be imposed. Hence, the following order :-

ORDER

- (i) The application is allowed.
- (ii) Applicant Shaikh Mujammin Shaikh Khalil be released on bail on furnishing P. B. and S.B. of Rs. 50,000/- (Rs. Fifty thousand) 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 or her relatives and the other witnesses till conclusion of the trial.
- (b) The applicant shall control his family members that they shall not threat the victim and her family members.
- (c) He shall stay away from Hingoli for three months from the date of his release on bail.
- (d) He shall attend the trial on each effective date.

(S. G. MEHARE)
JUDGE