

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

917 BAIL APPLICATION NO.1724 OF 2022

Aniket Dattatraya Sakat,
Age; 21 years, Occ. Student,
R/o; Prasadnagar, Shri Shivajinagar,
At Post; Rahuri Factory,
Tq. Rahuri, Dist. Ahmednagar.

...Applicant

VERSUS

1. The State of Maharashtra,
Through Lonai Police Station,
Tq. Rahata, District; Ahmednagar.

2. X.Y.Z.

...Respondents

...
Advocate for Applicant : Mrs. Sheetal Salunke h/f Mr.Patekar
Narendra B.

APP for Respondent No. 1-State : Mr.S.B.Narwade
Advocate for Respondent No. 2 : Mr.Babanish B. Shelke &
Mr.Pandurang S Koshti

...

CORAM : S. G. MEHARE, J.

DATE : 18/01/2023

PER COURT :

1. Heard the learned counsel for the applicant, the learned
APP for the respondent-State and the learned counsel for the
respondent/ informant.

2. It appears from the facts of the case that the victim who
was 17 years, 9 months and 23 days old, left her house under the

pretext of collecting certificate from the College. She called the applicant at Bus Stand and she eloped with him. Her statement further reveals that she never opposed for sex with the applicant. The allegations against the co-accused committing forceful sex with her do not appear with the consent of the applicant. On the contrary, when the victim complained about his friend, he scolded him. There are material contradictions in her statement under Section 161 and 164 of the Code of Criminal Procedure. Though the learned APP argued that it is a case of gang rape, considering her statement, it does not appear that the applicant ever planned to elope with her and facilitate his friends to have sex with her.

3. Considering her age, it appears that the victim was well aware of the consequences of the acts she was doing. She stayed with the applicant with her free will. The applicant himself brought her back and her uncle took them to the Police Station. Considering the facts, the Court is of the view that though the allegations are serious, the role attributed to the applicant appears not deliberate or with intent to commit an offence.

4. The applicant is 20 years old young boy having no criminal antecedents to his dis-credit. The applicant and the victim appears to have love affair. The investigation has been completed.

Hence, the applicant deserves bail. Hence following order :

ORDER

- a) The application is allowed.
- b) Applicant – Aniket Dattatraya Sakat, in be released on bail, on furnishing PB and SB of Rs.50,000/-, with one solvent surety in the like amount, in C.R.No. 29 of 2021 registered with Loni Police Station, District Ahmednagar, for the offence punishable under Sections 363, 376(2)(i)(n), 376(d) of the Indian Penal Code and under Section 3, 4, 9(l), 10 and 12 of the Protection of Children from Sexual Offences Act, 2012 on the conditions that -
 - a) The applicant shall not to contact the victim or any other prosecution witnesses, till the conclusion of the trial.
 - d) The applicant shall attend the trial on each effective dates of hearing.

(S. G. MEHARE)
JUDGE

mahajansb/