

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

**919 BAIL APPLICATION NO.1658 OF 2023**

RAVINDRA SUBHASH GAIKWAD  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Wakale Vijay Shivaji  
APP for Respondent no.1 : Mr. K.S. Patil  
Advocate for Respondent no. 2 : Mr. Kiran P. Rathod

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**CORAM : S. G. CHAPALGAONKAR, J.**  
**Dated: November 01, 2023**

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**PER COURT :-**

1. The applicant seeks regular bail in connection with Crime No.109 of 2023 registered with Kannad Rural police station, District Aurangabad for the offences punishable under sections 363, 366, 376(2)(n)(j) of the Indian Penal Code and sections 4,8,12 of the Protection of Children From Sexual Offences Act, 2012.

2. Investigation was set in motion on the basis of the information given by mother of the victim. It is alleged that on 29.5.2023 her son-in-law (applicant-accused) and victim (daughter aged about 16 years 10 months and 19 days) left home for weekly market. However, they did not return back. As such, it is alleged that applicant kidnapped minor victim. The investigation progressed in pursuance of the aforesaid information. On 2.7.2023 victim alongwith applicant returned back. Statement of victim has been recorded on 2.7.2023 wherein she states that she had voluntarily left alongwith the

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applicant. Thereafter, they stayed at village Nimgaon. Further, they resided at Mayani (Dhondhewadi) in the field of one Dhananjaya Patule. During their stay applicant established sexual relationship with her. However, since she was missing her parents, both of them returned back to Banshendra. Statement of the victim is also recorded under section 164 of the Criminal Procedure Code, wherein she states that she has love affair with the applicant and she left home on her own volition. Both of them stayed together. They had concentious sexual relations. She specified that the applicant has not exerted any force on her. After completion of investigation, charge-sheet has been filed.

3. Learned advocate appearing for the applicant submits that victim is 17 years of age and understand worldly affairs. She had love affair with the applicant. Physical relationship between them is concentious in nature. He would therefore submit that the applicant deserves to be released on bail.

4. Learned A.PP and learned advocate appearing for respondent no.2-complainant strongly opposes the prayer for grant of bail on the ground that victim was minor; so also the applicant is a married.

5. Having considered the submissions advanced, apparently, the victim had left home alongwith the applicant due to love affair with him. They resided together in a field where they were working at Poultry Farm. Even, subsequently,

they came back together at Banshendra. Statement of victim recorded under section 164 of Cr.P.C. clearly stipulates that she had love affair with the applicant. She accompanied him on her own volition and physical relationship between them was contentious in nature. Looking to the aforesaid aspects of the matter, although victim was minor on the date of the incident, further detention of the applicant is not necessary. Hence, case is made out for grant of bail. Hence, the order.

### **O R D E R**

- i. Bail Application is hereby allowed.
- ii. The applicant - RAVINDRA SUBHASH GAIKWAD be released on bail in connection with Crime No.109 of 2023 registered with Kannad Rural police station, District Aurangabad for the offences punishable under sections 363, 366, 376(2)(n)(j) of the Indian Penal Code and sections 4,8,12 of the Protection of Children From Sexual Offences Act, 2012, on his furnishing P.B. & S.B. of Rs.50,000/- (Rs.Fifty Thousand), on the following conditions :-
  - a] The applicant shall not tamper the prosecution evidence.
  - b] The applicant shall attend each and every effective date before the trial court.
  - c] The applicant shall not establish contact with the victim.

- iii. Bail application is accordingly disposed off.

( S.G. CHAPALGAONKAR )  
JUDGE.

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