

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.2087 OF 2022

AMOL VISHWANATH PANGUL
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr. Anil H. Dhupe
APP for Respondents Nos.1 and 2/State : Mr. S. P. Deshmukh
Advocate for Respondent No.3 : Ms. Anita Gadekar (*Appointed*)

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CORAM : S. G. MEHARE, J.

DATE : 20-02-2023

PER COURT :-

1. Heard the learned counsel for the applicant, the learned A.P.P. for respondents Nos. 1 and 2/ State and the learned counsel for respondent No.3/the victim.

2. The statement of the victim under Section 164 of the Code of Criminal Procedure (for short, "Cr.P.C.") has not been recorded. However, her statement under Section 161 of the Cr.P.C. reveals that she left her home at her own accord and eloped with the applicant. They performed marriage. They were living as husband and wife. They had sexual relationship arising out of matrimonial relationship. She has stated before police in a specific words that the applicant never ill-treated or harassed her. However, the police caught them and brought to Pachora Police Station. She was 15 years old at the time of the alleged incident. Her bold

statement reveals that she was well conscious about what she was doing. In view of that matter, the application deserves to be allowed. Hence, the order :-

- i) Application is allowed.
- ii) Applicant Amol Vishwanath Pangul be released on bail, on furnishing PB and SB of Rs.50,000/-, with one solvent surety of the like amount, in C.R.No.323 of 2022, registered with Pachora Police Station, District Jalgaon, for the offence punishable under Sections 363, 366A, 367(2)(n) of the Indian Penal Code and Sections 4, 6, 8, 12 of the Protection of Children from Sexual Offences Act, 2012, on the conditions that,
 - (a) He shall not contact the victim and tamper with the prosecution witnesses till conclusion of the trial.
- iii) The Secretary, High Court Legal Services Sub-Committee, Aurangabad do pay the fee to the learned counsel appointed for respondent No.3/victim, as per the schedule.

**(S. G. MEHARE)
JUDGE**