

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

928 BAIL APPLICATION NO.2137 OF 2022

- 1) Samadhan @ Ganesh Pandurang Wagh,
Age; 23 years, Occ; Labour,
R/o; Waghadi, Budruk,
Tq. Sindkheda, Dist; Dhule. ...Applicant

VERSUS

- 1) The State of Maharashtra,
Through it's Police Inspector,
Dharangaon, Police Station,
Tq. Dharangaon, Dist. Jalgaon.
- 2) X.Y.Z. ...Respondents

...
Advocate for Applicants : Mr.N.L.Choudhari
APP for Respondent No. 1-State : Mr.S.B.Narwade
Advocate for Respondent No. 2 -Informant : Mr. Pande Dipesh D.
...

CORAM : S. G. MEHARE, J.

DATE : 18/01/2023

PER COURT :

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

2. The victim was 14 years and 11 months old at the time of incident. Her statement before the Magistrate reveals that she eloped on her own with the applicant, as her parents were proposing her

marriage with her paternal brother. Thereafter, she decided to elope with applicant. They were living at another place as husband and wife. She had no complaint against the applicant.

3. The learned APP has correctly pointed out that considering her age, her consent is not material but the facts of each case shall be scrutinized independently. It reveals from the material placed before this court that the victim was not interested to marry her paternal brother. Her parents learnt about her love affair with the applicant. Hence, she decided to elope. Considering these facts and completion of the investigation, it would not be appropriate to keep the applicant behind bar. Hence following order :

ORDER

- 1) Application is allowed.
- 2) Applicant – Samadhan @ Ganesh Pandurang Wagh, 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. 242 of 2022 registered with Dharangaon Police Station, Taluka and District Jalgaon, for the offence punishable under Sections 363, 376(i)(j)(n), 366 of the Indian Penal Code and under Section 4, 6, 8 and 12 of the Protection of Children from Domestic Violence Act, 2012 on conditions that -
 - a) The applicant shall not contact the victim and her relatives till conclusion of trial.

b) The applicant shall attend the trial on each and every effective date of hearing.

(S. G. MEHARE)
JUDGE

mahajansb/