

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

908 BAIL APPLICATION NO.1993 OF 2023

PRADIP ROHIDAS RATHOD
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Chalak Amol Balasaheb
APP for Respondent no.1 : Mr. S.P. Deshmukh
Mr. A.S. Hazari advocate for respondent no.2.

...
CORAM : S. G. CHAPALGAONKAR, J.
Dated: November 10, 2023

...
PER COURT :-

1. Mr. Hajari learned counsel submit that he has instructions to appear on behalf of respondent no.2 and undertakes to file vakalatnama during the course of the day.

2. The applicant seeks regular bail in connection with Crime No.197 of 2023 registered with Umri police station, District Nanded for the offences punishable under sections 376(2)(N), 376(2), 506 of the Indian Penal Code and u/s 4,6 of Protection of Children from Sexual Offences Act.

3. Investigation has been set in motion on the basis of the complaint given by victim herself, who is aged about 16 years. She states that since 2023, she was in relationship with the applicant. There were 5 to 6 episodes of concentious physical relationship, consequently, she conceived pregnancy and delivered a male child. On the basis of the aforesaid information, crime no.197 of 2023 has been registered against

the applicant. He is behind bar since 7.8.2023. On completion of the investigation, charge-sheet is filed.

4. Learned advocate appearing for the applicant would submit that it is a case of love affair between victim and applicant. Out of contentious physical relationship, informant conceived pregnancy. Although, she is minor considering the age of the applicant and the fact that victim is a girl of understanding, no offence can be made out against the applicant.

5. Learned A.P.P. strongly opposes the prayer saying that the victim is a child within the meaning of POCSO Act when physical relationship was established with her by applicant.

6. Learned counsel appearing for the victim submit that families of the victim and applicant both have consented for performing marriage of victim with applicant. Statement of the victim is recorded under section 164 of the Cr.P.C. wherein she states about her contentious relationship with the applicant and that she conceived pregnancy. She also states about delivery of a male child. In last line, she states that they have decided to marry each other and engagement has been performed while she was carrying pregnancy of about four months. Taking into account peculiar circumstances of this case and considering the fact that investigation in the matter is already completed, further detention of the applicant is not necessary. Hence, case is made out for grant of bail.

aaa/-

ORDER

- i. Bail Application is hereby allowed.
- ii. The applicant Pradip Rohidas Rathod be released on bail in connection with Crime No.197 of 2023 registered with Umri police station, District Nanded for the offences punishable under sections 376(2)(n), 376(2), 506 of the Indian Penal Code and u/s 4, 6 of Protection of Children from Sexual Offences Act 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.
- iii. Bail application is accordingly disposed off.

(S.G. CHAPALGAONKAR)
JUDGE.

...