



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 3076 OF 2023

TEJAS DHANAJI JADHAV

..APPLICANT

VS.

THE STATE OF MAHARASHTRA AND ANR.

..RESPONDENTS

Adv. V.V. Phatate for the Applicant.

Adv. Pranit Kulkarni for Respondent No.2

Ms. Rutuja Ambekar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 26, 2023

P.C. :

1. Heard learned counsel for the applicant, learned counsel for respondent No.2 who is appointed by this Court and learned APP for the State.

2. This is an application for bail in respect of the offence punishable under Sections 363, 376(2)(n) of the Indian Penal Code and Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, registered on 26/03/2023 vide C.R. No.182 of 2023 with Pandharpur City Police Station, Solapur.

3. At the relevant time, the applicant was 22 years of age and the victim was 16 years and 6 months of age. Learned APP as well as learned counsel for respondent No.2 opposed this application.

4. It is submitted that the applicant had previously run away with the victim and hence, an offence was registered against the applicant. Despite being released on bail, the applicant committed the present offence.

5. I have perused the statement of the victim dated 13/05/2023 recorded under Section 161 of the Code of Criminal Procedure (Cr.P.C.). It is the victim who had called the applicant since her parents were forcing her to marry against her wish. The applicant and the victim eloped sometime on 25/03/2023.

6. The investigation is complete and the charge-sheet has been filed. From the materials on record, it is obvious that there is a love affair between the applicant and the victim. Considering the age of the victim, her consent is immaterial. The victim has refused to undergo the medical examination. The applicant was arrested on 13/05/2023

and is now in custody for more than 5 months. Though there is a criminal antecedent against the applicant on the accusation of having eloped with the victim earlier as well, in my opinion, having regard to the facts and circumstances of the present case, the antecedent by itself is not sufficient to deprive the applicant the facility of bail considering the age of the applicant and the nature of the accusations. In my opinion, the applicant does not appear to be a flight risk. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Tejas Dhanaji Jadhav in connection with C.R. No.182 of 2023 registered with Pandharpur City Police Station shall be released on bail on his furnishing P.R. Bond of Rs.15,000/- with one or more sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 15,000/- for a period of 6 weeks in lieu of surety.
- (d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(e) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(f) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(g) The applicant shall not enter the area of Isbawi, Pandharpur, till further orders of the trial Court.

7. The application is disposed of.

8. I appreciate the valuable assistance rendered by Adv. Pranit Kulkarni who appeared on behalf of respondent No.2 in this proceeding. Learned advocate may be paid the fees as prescribed by the Legal Aid Services Authority or if not prescribed, the same is quantified at Rs.5000/-.

(M. S. KARNIK, J.)