



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Application [BA] No.564 of 2023

Ramsingh s/o Ranbirsingh Chavhan

vs.

The State of Maharashtra, through PSO, Akot (Rural), Dist. Akola and another

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr. V.K. Paliwal, Advocate for the Applicant.

Mr. M.J. Khan, A.P.P. for Non-Applicant No.1/State.

Mrs. Chaitali Bhute, Advocate for Non-Applicant No.2.

CORAM : M.W. CHANDWANI, J.
DATE : 25th SEPTEMBER, 2023.

The applicant seeks bail in connection with Crime No.416/2022, registered with Police Station Akot (Rural), District Akola, for the offence punishable under Sections 363, 366, 366A, 354, 354A and 376(2)(n) of the Indian Penal Code and under Sections 3, 4 5(l), 6, 8, 11 and 12 of the Protection of Children from Sexual Offences Act, 2012.

03] Heard the learned Counsel for the applicant as well as the learned A.P.P. for the State assisted by the learned Counsel appearing for non-applicant No.2/victim.

04] It is contended on behalf of the learned Counsel for the applicant that the applicant and the victim were having love affairs. The victim was aged about 17 years and she was able to understand the consequences of the act done by her. The learned Counsel submits that, as per the prosecution story, the victim eloped with the applicant and stayed with him for about three months. The victim was brought

back by her father and under the pressure of family members, she lodged the complaint against the applicant.

05] *Per contra*, the learned A.P.P. for the State submits that the victim is a minor girl and her consent for sexual intercourse is immaterial. The applicant eloped the victim girl and lived with her for almost three months and developed sexual relations with her repeatedly. The said acts of the applicant against a minor girl are serious in nature and, therefore, he sought rejection of the bail application.

06] Perusal of the charge-sheet transpires that victim was in a relationship with the applicant and she eloped with him. She stayed with him for about three months and did not try to contact her family members. Considering the age of the victim, it can be said that she is having the age of understanding and of knowing the consequences of sexual intercourse. The applicant is having fixed place of abode. The charge-sheet has already been filed and the investigation is already complete. There is no likelihood of that the applicant will flee away from justice. The apprehension of the prosecution that the applicant may pressurize the victim, can be protected by imposing conditions while releasing the applicant on bail. Hence, the following order is passed :

- i. The application is allowed.
- ii. Applicant – Ramsingh s/o Ranbirsingh Chavhan be released on bail in connection with Crime No.416/2022, registered with Police Station Akot (Rural), District Akola, on his furnishing a P.R. Bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one solvent surety in the like amount.

- iii. The applicant shall not enter into the area, which comes under the jurisdiction of Police Station Akot, District Akola, till conclusion of the trial.
- iv. The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or any Police Officer.
- v. The Secretary, High Court Legal Services Sub-Committee, Nagpur to quantify and release the professions fees to the learned Counsel appearing for non-applicant No.2/victim.
- vi. The application is disposed of in the above terms.

JUDGE

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