



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

Criminal Application [BA] No.622 of 2023

Sumedh s/o Gurudas Waghmare

vs.

State of Maharashtra, through P.S.O. Arjuni-Morgaon, District Gondia 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. P.R. Agrawal, Advocate for the Applicant.

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

Mr. A. Aniruddha, Advocate for Non-Applicant No.2/Victim.

CORAM : M.W. CHANDWANI, J.
DATE : 6th OCTOBER, 2023.

The applicant seeks bail in connection with Crime No.268/2022, registered with Police Station Arjuni-Morgaon, District Gondia, for the offence punishable under Sections 363, 376(2)(n), 366(a) and 506 of the Indian Penal Code read with Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.

02] Heard the learned Counsel for the applicant as well as the learned A.P.P. for the State and the learned Counsel for the victim. The learned A.P.P. and the learned Counsel appearing for the victim vehemently opposed the bail application.

03] I have gone through the charge-sheet. Perusal of the charge-sheet transpires that mother of the victim initially had lodged a missing report on 10/12/2022. During investigation, it was revealed that it is the applicant, who eloped the victim. Thereafter, the police started making search. On 12/12/2022, the police could trace the victim at Kurkheda Bus Stand, District Gadchiroli. After recording the statement of victim girl, it was revealed that the applicant eloped her and committed penetrative sexual assault on the victim. Therefore,

the aforesaid offence came to be registered against the applicant and the applicant came to be arrested.

04] Perusal of the charge-sheet reveals that the victim girl, at the relevant time, was at the verge of completing 18 years, as she had completed 17 years, 11 months and 18 days. It also reveals that she was live-in relationship with the applicant and there were love affairs between them. On 07/12/2022, the applicant went to the house of victim girl. The victim girl herself accompanied with the applicant. They resided together for four day in the house of maternal aunt of the applicant at Sakhara, Tah. Kurkheda, Distt. Gadchiroli. Thereafter, on 09/12/2022, the applicant took the victim girl to the house of one Sarika Sahare, the aunt of applicant. During this period, physical relations were established between the applicant and the victim.

05] No doubt, the victim girl was minor, but considering her age of 17 years, 11 months and 18 days, she was able to understand the consequences of eloping with the applicant and maintaining physical relationship with the applicant. Nonetheless, charge-sheet has already been filed. Investigation is already completed. Charge has also been framed against the applicant. The applicant is behind the bars since 22/12/2022. Since, applicant is having fixed place of abode, there is no likelihood that the applicant will flee away from justice.

06] In view of the above, a case is made out for exercising the discretion in favour of the applicant. Hence, the following order :

- i. The application is allowed.

- ii. Applicant – Sumedh s/o Gurudas Waghmare shall be released on bail in Crime No.268/2022 registered with Police Station Arjuni-Morgaon, District Gondia, on his furnishing a P.R. Bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two solvent sureties in the like amount, before the trial Court.
- iii. The applicant shall not enter into the area, which comes under the jurisdiction of Police Station Arjuni-Morgaon, District Gondia.
- iv. The applicant shall not threaten the prosecution witnesses and shall not tamper with the evidence.
- v. The application is disposed of in the above terms.

JUDGE

**sandesh*