



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

905 BAIL APPLICATION NO. 169 OF 2024

Krushna Babasaheb Ambhore

VERSUS

The State of Maharashtra and another

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Advocate for Applicant : Mr. P. P. More

APP for Respondent No.1: Mr. Mukesh K. Goyanka

Advocate for Respondent No.2 : Ms. Sayali S.Tekale

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 22nd FEBRUARY, 2024.

PER COURT :-

1. This is an application for granting bail under section 439 of the Cr.P.C. in connection with crime No. 367 of 2023 registered with Maujpuri police station, District Jalna for the offences punishable under Sections 363, 376, 376(1), 376(2)(n), 504 of I.P.C. and Sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012. His application with similar prayer bearing criminal bail application No. 1260 of 2023 came to be rejected by the learned Additional Sessions Judge, Jalna, vide order dated 08.01.2024.

2. It is averred in the report that the applicant was loving with the victim girl, who was 17 years and 01 month old at the relevant time and studying in 12th standard. It is further alleged that the applicant made phone call to the father of the victim girl that a cheque of her

scholarship amount is ready and he assured that he will go with the victim girl to collect the said cheque. Then he shown one document upon which the signature of victim girl is necessary. He went to take signature of the victim girl but did not return. He enticed the said girl and eloped with her from 13.12.2023 to 22.12.2023. Therefore, the report is lodged by the father of victim girl.

3. Learned advocate for the applicant submitted that the applicant was loving with the victim girl and there was no such cheating as alleged by the informant in the report. The applicant has roots in the society. The applicant is likely to perform marriage with the victim girl. The applicant has no criminal antecedents. It is lastly prayed for allowing the application.

4. Learned A.P.P. for the respondent-State has strongly opposed the application. Learned advocate representing respondent No.2 also strongly objected the application and pointed out the overt act of the applicant. It is also contended that the similar nature of crime is likely to be committed by this applicant. It is lastly prayed to reject the application.

5. Perused the application and papers of investigation, more particularly report and the statements of witnesses. The applicant has no criminal antecedents. Considering the age of the victim girl and the fact that she did not make any complaint against the

applicant, it appears that there was love affairs between them. This Court in the case of **Sunil Mahadev Patil vs. State of Maharashtra**, reported in **2016 (3) Bom. CR (Cri.) 435**, while granting bail in para 11, has observed as under:-

“11. Today teenagers are exposed to more sex related issues and lot of material is also available to them to know the sexual relationship between a man and a woman. Because of their impressionable age, girls and boys both may tend to get provoked and there can be a curious and very compelling demand of the body to get into such kind of relationship. Sexual urge differs from person to person and there cannot be any mathematical formula in respect of sexual behavioral pattern of teenagers, as biologically whenever the child turns into puberty, the child starts understanding his or her sexual needs. The nature of response depends on the upbringing, peer pressure, how civilized the environment is etc. Sex requires proper physical and emotional preparation, as it results in many physical and emotional consequences. This is all considered as a sexual maturation. Therefore, some sects with view to regularize sexual behaviour of the community have acknowledged this biological factor and therefore, the early age marriages are performed in some religions or communities. Taking into consideration this social and biological factors, the law makers have considered the age of 15 as a age of consent when the marriage is performed. Taking into consideration this background, the trial Judge has to pass an order of bail in such cases.”

6. Considering the fact that the applicant has roots in the society, and he will not flee away from the trial, the application therefore, deserves to be allowed on certain conditions. Hence, the following order.

O R D E R

- I. Application is allowed.
- II. The applicant in connection with crime No. 367 of 2023 registered with Maujpuri police station, District Jalna for the offences punishable under Sections 363, 376, 376(1), 376(2) (n), 504 of I.P.C. and Sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, be released on bail on furnishing personal bond of Rs.50,000/- with one surety of the like amount on following conditions:-
 - a) The applicant shall not tamper with the prosecution evidence and shall not pressurize the prosecution witnesses, in any manner.
 - b) The applicant shall not enter within the jurisdiction of village Jalgaon Zopadpatti, Tq. and district Jalna.
 - c) The applicant shall not contact the victim girl, in any manner.
7. The legal fees of learned advocate appointed to represent respondent No.2 shall be paid by the High Court Legal Services Sub committee, Aurangabad, as per Rule and schedule.

(SANJAY A. DESHMUKH, J.)

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