

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

APPLICATION FOR CANCELLATION OF BAIL NO. 31 OF 2024

Xyz

VERSUS

The State Of Maharashtra And Another

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Advocate for Applicant : Mr. Surwase Sureshkumar N

APP for Respondent/State : Mr. S.D. Ghayal

Advocate for Respondent No.2 : Mr. Patil Dhananjay Shrikant

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CORAM : S.G. MEHARE, J.

DATED : JULY 26, 2024

PER COURT:-

1. Heard learned counsel for the applicant, learned APP for the State and learned counsel for the accused/respondent no.2.
2. The applicant/victim has impugned the order of the learned Additional Sessions Judge granting bail in Misc. Bail Application No.87/2024. The bone contention of the applicant is that she has been pressurized. The medical officer recorded the statement on his whims and surmises. The investigation has not been done properly. The life of the victim is in danger.
3. Learned APP made a statement that earlier and current investigation officer have issued the letters and telephonically informed the victim to come for recording the statement. However, she did not appeared. The investigation officer is present in the Court. He made a statement that when the victim was in Children

Home, a contact was made with the father of the victim. However, they were giving evasive answers and saying that they were not in town. He made a statement at bar that the entries of these facts have been taken in the case diary. The investigation officer is ready to proceed with the further investigation.

4. Learned counsel for the applicant would submit that the investigation was not done properly. Now, the victim has been called and she is ready to co-operate with the investigation.

5. It appears from the impugned order that the Trial Court has considered the material produced before it at the time of granting bail. The statement of the victim recorded by the medical officer reveals that she was in love affair with the accused. She was 16 years old when she eloped with the accused/respondent no.2. Learned counsel for the applicant relied on the judgment of the Hon'ble Supreme Court in the case of X (Minor) Vs. The State of Jharkhand and Anr in Criminal Appeal No.263 of 2022 decided on February 21, 2022. It was a case of a child below 13 years. In those peculiar facts and circumstances of the case, the Hon'ble Supreme Court cancelled the bail granted to the accused. In the case at hand, the victim was 16 years old. She was with the applicant. She went from one place to another with the accused.

6. Considering the facts of the case and non-cooperation of the victim, it could be very difficult to accept that the bail order

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deserves to be quashed and set aside. On the contrary, it has been revealed that there was no co-operation of the applicant and her family with the investigation agency. If anything new is found, an application may be moved to the same Court for cancellation of bail. Hence, at this juncture, it would be inappropriate to cancel the bail. Hence, the application stands dismissed.

(S.G. MEHARE, J.)