



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1013 BAIL APPLICATION NO. 545 OF 2024

Purushottam Kaluram Agrawal

..APPLICANT

-VERSUS-

1. The State of Maharashtra
2. XYZ

..RESPONDENTS

Advocate for Applicant : Mr. Kawade Shrikant G.
APP for Respondent/State : Mr.R.D. Raut

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 5th APRIL, 2024.

PER COURT :-

1. The applicant is seeking bail under section 439 of the Criminal Procedure Code, 1973 (for short, "Cr.P.C."). The applicant has been arrested in connection with crime No.94 of 2024 registered with Police Station Sadar Bazaar Jalna, Tq. & Dist. Jalna, for the offences punishable under sections 376(2)(f), 376 (2)(n) of the Indian Penal Code, under sections 4, 6, 8 of the POCSO Act and under sections 9 and 11 of the Prevention of Child Marriage Act.

2. It is averred in the report by the informant - 23 years old girl that the applicant committed rape on her. She became pregnant, therefore, report was lodged. The applicant is husband of her sister.

3. Mr.Datta S. Kale, the learned advocate submits that he has instructions to appear on behalf of respondent no.2 and submits

that the informant and her father have filed their affidavits giving consent to allow the application.

4. The learned APP for the respondent-State has strongly opposed the application.

5. Considering the fact that as per copy of Adhar Card 01.01.2001 she was major at the time of alleged incident of committing of rape. Now the matter has been settled and the informant and her father have filed their affidavits, which are marked as "X-1" and "X-2" respectively and the learned advocate for respondent no.2 has no objection to allow the application, the application deserves to be allowed on following conditions. Hence, the following order.

O R D E R

- I. Application is allowed.
- II. The applicant in connection with crime No.94 of 2024 registered with Police Station Sadar Bazaar Jalna, Tq. & Dist. Jalna, for the offences punishable under sections 376(2)(f), 376 (2)(n) of the Indian Penal Code, under sections 4, 6, 8 of the POCSO Act and under sections 9 and 11 of the Prevention of Child Marriage Act be released on bail on furnishing personal bond of Rs.25,000/- with one surety of the like amount.

(SANJAY A. DESHMUKH, J.)