



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

973 BAIL APPLICATION NO. 598 OF 2024

Shubham Bhagwan Rankhambe

..APPLICANT

-VERSUS-

1. The State of Maharashtra
2. Xyz

..RESPONDENTS

Advocate for Applicant : Mr. Kulkarni Suniket Anil

APP for Respondent/State : Mr.Mukesh K. Goyanka

Advocate for assisting to PP : Ms. Pratiksha Kale (appointed)

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 9th MAY, 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.327 of 2023 registered with Daithana Police Station, Dist. Parbhani, for the offences punishable under sections 363, 376(2)(J), 366(A) of the Indian Penal Code and sections 4 and 7 of the Protection of Children from Sexual Offences Act, 2012.

2. It is the case of the prosecution that the applicant enticed away the daughter of informant and they went to Supa and Parner. They stayed there for two days. There the physical relationship

between them took place. Thereafter the applicant was arrested.

3. The learned advocate for the applicant pointed out the statement of the victim child recorded under section 164 of the Criminal Procedure Code before the learned Magistrate, in which she has stated that she called the applicant and directed him to deposit some amount on her account by phonePe. Accordingly she received an amount of Rs.300/- and they both went to Supa and thereafter at Parner. He therefore submitted that there is no violence or force etc. The learned advocate for the applicant submitted that the applicant has roots in the society. It is a case of pure love. He therefore prayed to allow the application.

4. The learned APP for the respondent-State and the learned advocate appointed to assisting the prosecution strongly opposed the application and submitted that the applicant is involved in serious case. Age of the prosecutrix child was 14 years and 8 months. Considering age, her consent is not valid consent for physical relationship. It is lastly prayed to reject the application.

5. Perused the charge-sheet, the statement of the victim child and the report of medical examination of the victim. It does not show any violence or injury caused to her. Considering this fact along with law laid down in the cases of ***Vishal S/o Omprakash Verma Vs. The State of Maharashtra and anr.*** reported in ***2021 All MR (Cri) 187*** ***Nitin Damodar Dhaberao Vs State of Maharashtra and***

another reported in **2024 (2) ABR (Cri) 503** and fact that love is not an offence and the applicant has roots in the society, he will not flee away from the trial, trial will take long period, granting bail does not mean that the applicant is entitled for acquittal from the trial, the application deserves to be allowed on stringent condition. Hence, the following order.

O R D E R

- I. Application is allowed.
- II. The applicant in connection with crime No.327 of 2023 registered with Daithana Police Station, Dist. Parbhani, for the offences punishable under sections 363, 376(2)(J), 366(A) of the Indian Penal Code and sections 4 and 7 of the Protection of Children from Sexual Offences Act, 2012 be released on bail on furnishing personal bond of Rs.25,000/- with one surety of the like amount on following conditions:-
 - a) The applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence in any manner.
 - b) The applicant shall not enter in village Daithana, Dist.Parbhani, till the conclusion of the trial.
- III. If any breach of the above conditions is noticed by the trial Court, it is at liberty to cancel the bail granted to this applicant without further reference to this Court.

IV) Fees of Ms.Pratiksha Kale, the learned advocate appointed to represent the cause of respondent no.2 be paid through the High Court Legal Services Sub-Committee, Aurangabad as per rules and schedule.

(SANJAY A. DESHMUKH, J.)

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