



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 821 OF 2024

RAVINDRA SARJERAO SONAWANE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Sachin S. Deshmukh holding for
Mr. Manoj U. Shelke
APP for Respondent No.1 : Mr. A. S. Shinde
Advocate for Respondent No.2 : Mr. Gautam J. Pahilwan
...

CORAM : S. G. MEHARE, J.

DATE : 21-08-2024

PER COURT :-

1. Heard the learned for the applicant, the learned A.P.P. for respondent No.1 and the learned counsel for respondent No.2.
2. The applicant seeks bail in C.R.No.256 of 2023 registered with Police Station Soygaon, District Aurangabad for the offences punishable under Sections 363, 376(2)(I)(J)(N) of the Indian Penal Code and Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.
3. The applicant has a case that he and the victim who was running more than 14 years were well acquaintanted. The victim asked him to take her away. Hence, she called him at his home at late hours and she eloped with him. The applicant neither kidnapped the victim nor did sex with her. The applicant was protecting her. They were residing at village Ghosla at one place.

After six days, police came and took them in custody. However, due to pressure, the victim has made false allegations against the applicant that he did sex with her without her consent. However, she admitted that they were residing as husband and wife.

4. It is a case of affair. Since the family was opposing, she has brought altogether a new story in her statement under Section 164 of the Code of Criminal Procedure. The applicant is languishing in jail since 19.12.2023. He is just 19 years old boy having good future. The investigation has been completed. Hence, he may be granted bail.

5. The learned A.P.P. and the learned counsel for the victim have strongly opposed the application. They contend that the victim was minor. So her consent was immaterial. She is consistent as regards forceful sex with her. The allegations are specific that the applicant kidnapped her under the threat to suicide. The offence is serious. Hence, bail may not be granted. If bail is granted, stringent condition asking the applicant to stay away from the village Bormal Tanda, Taluka Soygaon, till the conclusion of trial may be imposed.

6. Perused the papers and the statement of the victim.

7. Her first statement before the police appears natural. She was residing with applicant as his wife for six days without complaint. The possibility of pressure of her family cannot be

ruled out. In her statement under Section 164 of the Cr.P.C. she has brought altogether a new story involving more persons. It appears that it was a consensual eloping out of love affair. The chargesheet has been filed. The applicant is also young boy of 19 years old having no antecedents to his discredit. Hence, he deserves bail.

8. The prayer for imposing condition to direct the applicant to stay away from his family cannot be imposed because he is young boy, he may not get an employment. If he will be asked to stay away from his family till the trial is concluded, he may be put to starvation or involve him in another crime.

9. For the above reasons, the Court allows the application as follows:-

- i) The application is allowed.
- ii) Applicant – Ravindra Sarjerao Sonawane be released on bail, on furnishing PB and SB of Rs.50,000/-, with one solvent surety of the like amount, in the above crime for the aforesaid offences, on the conditions that,
 - (a) He should not tamper with the prosecution witnesses;
 - (b) He should not contact the victim and the witnesses in any mode or manner till the conclusion of the trial.
 - (c) He should attend the trial on each and every date.

(S. G. MEHARE, J.)