



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

BAIL APPLICATION NO.1093 OF 2024

Krushna S/o Jijaji Gonge,
Age-25 years, Occu:Driver,
R/o-Pohe Takali, Tq-Pathri,
Dist-Parbhani.

...APPLICANT

VERSUS

1) The State of Maharashtra,
Through : The Investigating Officer,
Police Station Pathri,
Tq-Pathri, Dist-Parbhani,

2) X Y Z

...RESPONDENTS

...
Mr. Manish P. Tripathi Advocate with Mr. Yogesh B.
Suryawanshi Advocate for Applicant.
Mr. S.R. Wakale, A.P.P. for Respondent No.1 – State.
Mr. A.S. Wakode Advocate with Mr. S.A. Wakle
Advocate for Respondent No.2.
...

CORAM: S.G. MEHARE, J.

DATE : 30th JULY 2024

ORDER :

1. Heard learned counsel for the applicant, learned APP for the State and learned Advocate for the victim.

2. The applicant seeks bail in Crime No. 322 of 2024 registered with Pathri Police Station, District-Parbhani, for the offence punishable under Sections 376(2)(n), 294, 506 of the Indian Penal Code, Sections 4, 6 of the Protection of Children from Sexual Offences Act and Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. Learned counsel for the applicant would submit that the false allegations have been levelled against the applicant as he stopped the child marriage of the victim. Since he protected the victim, his relation with her were developed. He never committed forceful sex with her nor promised her to marry. She was 18 years old when the report was lodged. It is an absolutely false case. Applicant has no reason to marry the victim. Since applicant married another girl, the victim levelled the false allegations. There is absolutely no evidence against the applicant. It is a false case of breach of promise to marry. Nothing is to be recovered from him. Hence he may be granted bail.

4. Learned APP and learned counsel for the victim would submit that when the victim was sexually assaulted, she was

minor. Under the promise to marry, the applicant did sex with her many times. However, the applicant was belonging to upper class. Hence, he flatly denied to marry her. The applicant suddenly got married to another girl and systematically exploited the victim, sexually. He has also uttered the words against her caste which are lowering down her image in the eyes of society. The offence is serious. Hence, bail should not be granted.

5. Perused the First Information Report lodged by the victim. It is an admitted fact that marriage of victim was solemnized when she was minor. The applicant was instrumental to stop her illegal marriage. Thereafter the relations were developed between them. The applicant promised to marry her on attaining her majority. However, suddenly he married another girl. Hence case is lodged. The facts of the case reveals that the applicant denied to marry her. Considering her age, she was able to know the consequences of the act she was doing. Possibility of consensual relationship could also not be ruled out. That apart, the material investigation against the applicant has been completed. Nothing is to be recovered from him. Therefore, no purpose would be served in keeping the applicant behind bars. Hence the following order:-

ORDER

- i) Bail Application stands allowed.
- ii) The applicant – Krushna Jijaji Gonge be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of the like amount, in the above crime, on the condition that:-
 - (a) The applicant shall not contact the victim in any mode or manner till the conclusion of the trial.
 - (b) The applicant shall stay away from the village Pohe Takali, Taluka Pathri, District-Parbhani for four months from the date of his release.
 - (c) The applicant shall not tamper with the prosecution witnesses.
 - (d) The applicant shall attend the trial on each and every effective date.

[S.G. MEHARE, J.]