



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

949 APPLICATION FOR CANCELLATION OF BAIL NO. 110
OF 2024

XYZ
VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...
Mr. Shantaram R. Dheple Advocate for Applicant.
Mr. S.R. Wakale, A.P.P. for Resp. No.1.
...

CORAM: S.G. MEHARE, J.

DATE : 30th JULY, 2024

ORDER :

1. Heard learned counsel for the applicant. Issue notice to the State. Learned APP waives notice for State.
2. After granting bail to the accused, the mother of the victim has preferred this application to the Court under the guardianship of the victim. Applicant's counsel has a complaint that the victim was a minor. Therefore, she could have been represented through her natural guardian. The counsel argues that after granting bail, the accused is threatening the victim. The Court did not consider the material against the accused and mechanically granted the bail. The order granting bail is perverse.

3. Perused the impugned order. It is not disputed that the victim appeared before the Court in bail application and filed say giving no objection for enlarging the accused on bail. At that time she was 17 years and 9 months old. The Court considered her age and her say. She was supporting the accused. She contended in her reply that she had love affair with the applicant and at her own she eloped with the applicant.

4. The Court, while granting bail, considered the entire facts of the case, the age of the victim, her ability to take decision and her willingness to release the applicant on bail. The accused was also 22 years old. Considering the facts of the case and age of the victim, she was able to take an appropriate decision. The Court appears to have passed the correct order. Probably the family of the victim might have objection to their relationship. Considering her age, the victim must have attained the majority. Hearing was granted to the victim. Therefore, there was no violation of any provisions of law. The order impugned before the Court is free from perversity and illegality. Only for the satisfaction of the guardian of the victim, the bail granted to the accused could not be rejected mechanically.

5. The application is devoid of merits. Hence, dismissed at the stage of admission.

[S.G. MEHARE, J.]