



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

944 BAIL APPLICATION NO.2183 OF 2024

ANIL TUKARAM KADAM

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr.S.S.Thombre h/f.

Mr.S.B.Bhosale

APP for Respondent-State : Mr.S.K.Shirse

Advocate for Respondent no.2 : Adv.A.M.Gaikwad

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CORAM : ARUN R. PEDNEKER, J.

DATE : 19.12.2024

P.C. :

1] Heard learned counsel for the applicant and the learned APP for the respondent-State.

2] The applicant is seeking bail as he is arrested on 23.08.2024 in connection with Crime No. 0266/2024, registered with Kandhar Police Station, Taluka Kandhar, District Nanded, for the offences punishable under sections 137 (2), 64, 64 (m), 3 (5) of the Bharatiya Nyaya Sanhita, 2023 and under Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

3] The father of the victim filed missing complaint with Police on 14.08.2024 alleging that his daughter was

missing. The victim was 17 years and 9 months old at the relevant time. On missing complaint of the father of the victim, the victim was traced and she was found in the company of the applicant on 22.08.2024 and was residing with the present applicant and his family members. The police recorded the statement of the victim under Section 161 of the Criminal Procedure Code wherein she has stated that she has voluntarily moved with the applicant and is residing with him. Thereafter, on 22.08.2024, the police brought the victim from the house of the applicant to her father's house. Her medical examination was conducted. During medical examination, she narrated history that she had consensual relations with the applicant and that there is no history of physical abuse. The statement of victim under Section 164 of the Criminal Procedure Code was also recorded before the Magistrate wherein she has stated that on assurance given by the applicant, she had sexual relations with the applicant.

4] Prima facie considering that the victim had consensual relations with the applicant and at the relevant time the age of the victim was 17 years and 9 months, in view of the same, the application is allowed in the following terms :

a] The applicant shall be released on bail in connection with Crime No. 0266/2024, registered

with Kandhar Police Station, Taluka Kandhar, District Nanded, for the offences punishable under sections 137 (2), 64, 64 (m), 3 (5) of the Bharatiya Nyaya Sanhita, 2023 and under Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

b] The applicant, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.

c] The applicant shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court.

d] The applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses and other persons concerned with the case.

e] The applicant, upon being released on bail, shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.

5] Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled. It is also clarified that the observations made in this order are limited to the disposal of the present bail application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

6] The application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE

DDC