



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO. 998 OF 2023

Vinod Tukaram Meshram V/s State of Maharashtra and another.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. S.S. Sheikh, counsel for applicant.

Mr. U.R. Phasate, APP non-applicant/State.

Ms. Radha Mishra, counsel (appointed) for non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 05/04/2024.

Corrected as per
Courts order
dt. 15/04/2024

1. The applicant came to be arrested on 21/12/2022, in connection with Crime No. 865/2022 registered with Police Station Yavatmal (Rural), Tah. and District Yavatmal for the offence punishable under Sections 363, 376(2)(n), 376(2)(j) of the Indian Penal Code and under Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.
2. The accusation against the present applicant is on the basis of report lodged by mother of the victim on an allegation that victim is her daughter aged about 17 years has left the house on 06/12/2022 and not returned back, therefore, the FIR is lodged against the unknown person. During the investigation, the statement of the victim is recorded and the crime is registered against the present applicant.
3. Learned counsel for the applicant submitted that from the statement of the victim itself shows that the victim has left her house at her own and join the company of the

present applicant. Out of love affair, they left the village and were staying together. As far as the physical relationship is concerned, it seems to be out of the love affair. In view of that, now investigation is completed and charge-sheet is filed, the application deserves to be allowed.

4. Learned APP and learned appointed counsel strongly opposed the said application on the ground that victim is minor, her consent is not relevant. If the applicant is released on bail, he would tamper with the prosecution evidence. In view of that, application deserves to be rejected.

5. Having heard learned counsel for the applicant, learned APP for the State and learned appointed counsel for the non-applicant No.2, perused the investigation papers. From the statement of the victim it reveals that she was communicating with the present applicant, which was opposed by her mother. Therefore, she herself left the house on 06/12/2022 when her parents were not present in the house and thereafter, she join the company of the present applicant and went along with him. Out of love affair, there was physical relationship between them. Thus, it is apparent that there was a love affair between them and out of attraction both of them are of a young age, the alleged act of sexual relationship appears to be there. Now, investigation is already completed and charge-sheet is filed, further incarceration of the present applicant is not required. In view of that, application deserves to be allowed. Accordingly, I proceed to pass the following order:

Corrected as per
Courts order
dt. 15/04/2024

- a] In connection with Crime No. 865/2022 registered with Police Station Yavatmal (Rural), Tah. and District Yavatmal for the offence punishable under Sections 363, 376(2)(n), 376(2)(j) of the Indian Penal Code and under Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012 the applicant – **Vinod Tukaram Meshram**, shall be released on bail, on executing P.R. Bond of Rs. 25,000/- with one solvent surety in the like amount.
- b] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.
- c] The applicant shall attend the proceedings before the trial Court without seeking any exemption, unless there are exceptional circumstances.
- d] The fees of the appointed counsel be quantified as per the Rules.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]