



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

939 ANTICIPATORY BAIL APPLICATION NO. 2168 OF 2024

Kakasaheb Changdev Kardile

VERSUS

The State Of Maharashtra And Another

...

Advocate for Applicant : Mr. Ostwal Abhaykumar Dilip

APP for Respondents-State: Mr. S. P. Sonpawale

Advocate for Respondent No.2 : Mr. S. R. Andhale

...

CORAM : ARUN R. PEDNEKER, J.

Dated : February 06, 2025.

PER COURT :-

1. Heard learned counsel for the applicant, the learned APP for the respondent-State, and the learned Counsel for the respondent No.2.
2. The applicant is apprehending arrest in connection with FIR No.0246/2024, dated 18/05/2024, registered at Gnagapur Police Station, District Chhatrapati Sambhajinagar, for the offences punishable under sections 376(2)(N), 376(3), 363, 366-A, 109 of the Indian Penal Code and Section 4, 6, 8, 12, 17 of POCSO Act.
3. This Court, by order dated 17/01/2025, granted interim protection to the applicant, noting the facts in paragraph No. 3 of the order, particularly that the main accused has been granted bail and that the case against the present applicant is that he provided accommodation to the main accused and the victim to facilitate the offence.
4. The learned APP points out the statement of the victim recorded

under Section 164 of Cr.P.C. The learned Counsel for respondent No. 2 submits that the interim protection granted should be vacated because the bail granted to the original accused is regular bail, whereas the present case pertains to anticipatory bail. As such, no parity can be considered regarding the bail granted to the main accused. He also submits that the consent of a minor is immaterial, and as such, the bail application should be rejected.

5. Having considered the rival submissions, this Court, while granting regular bail to the main accused, observed at paragraph No. 3 as under : -

“3. The facts reveal from the charge sheet that the victim was in love affair with the applicant. Her statement under Section 164 of Cr.P.C. further reveals that she voluntarily eloped with the applicant and stayed with him for eighteen days. She was 15 years 7 months at the time of the alleged incident. The material available indicate that they had a love affair. No force was applied nor the injuries were caused to her. It appears that they were peacefully residing together after eloping. Considering the conduct of the victim, it may be said that she was able to take an appropriate decision.”

6. This Court has also considered the statement of the victim recorded under Section 164 of Cr.P.C., which has also been produced before me today. There was a voluntary relationship between the victim and the applicant. The role of the applicant was limited to providing

accommodation to the victim and the main accused. It is further to be noted that after the interim protection was granted by this Court, the applicant attended the police station, and no grievance has been raised regarding his cooperation with the investigation. Considering the same, interim protection granted to the applicant is confirmed.

7. In view of the above, the application is allowed in the following terms : -

- i] In the event the applicant is arrested in connection with FIR No.0246/2024, dated 18/05/2024, registered at Gnagapur Police Station, District Chhatrapati Sambhajanagar, for the offences punishable under sections 376(2)(N), 376(3), 363, 366-A, 109 of the Indian Penal Code and Section 4, 6, 8, 12, 17 of POCSO Act, he shall be released on bail on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.
- ii] The applicant shall attend the police station as and when called by the police.
- iii] The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.
- iv] The applicant shall co-operate with the investigation and

also in the proceedings before the trial Court.

8. In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

9. It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

10. The application stands disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.