

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**BAIL APPLICATION NO. 827 OF 2024**

Aniket Madhukar Waghmare

...Applicant

Versus

1. The State of Maharashtra

2. XYZ

...Respondents

....

Mr. Satyam Harshad Nimbalkar i/by Mr. Harshwardhan Milind Pawar a/w Adv. Padmasinh Pratap Patil, Advocate for the Applicant.

Mr. S. V. Walve, A.P.P. for the Respondent No.1– State.

Mr. Atharva A. Dandekar, Appointed Advocate for the Respondent No.2.

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**CORAM : N. R. BORKAR, J.**

**DATE : 20<sup>th</sup> MARCH, 2025.**

**P.C.:**

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No.177 of 2022 registered at Rajgad Police Station, District : Pune, for the offences punishable under Sections 313, 363, 376(2)(i) of the Indian penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act.
3. The mother of the victim was working in one Girija Hotel at Khedshivapur and the applicant was working in a

shop adjacent to the said hotel. The victim used to accompany her mother to help her. It is alleged that there the victim and the applicant got acquainted with each other. It is alleged that thereafter they eloped and stayed together for two months at Katraj, Pune and during the said period, it is alleged that the present applicant committed sexual intercourse with her. It is alleged that thereafter, the applicant took her to his native place, where for the first time she came to know that the applicant is married person and has daughter. It is alleged that the applicant through meal had administered certain medicine to the victim due to which her pregnancy was aborted.

4. I have heard the learned counsel for the applicant, learned APP for the respondent/State and the learned appointed advocate for respondent No.2/victim.

5. The learned counsel for the applicant submits that there was a love affair between the applicant and the victim. It is submitted that the alleged act was consensual. It is submitted that there is no material in relation to alleged abortion. The learned counsel submits that the applicant is in jail for approximately three years and the trial has not commenced. It is submitted that the applicant therefore, may be released on bail.

6. On the other hand, the learned A.P.P. for the Respondent-State and the learned appointed advocate for the respondent No.2/victim submit that the victim was aged about

14 years and 8 months only. It is submitted that though the applicant was married, he deceived her and made to elope with him. It is submitted that considering the nature of offence the applicant may not be released on bail.

7. I have perused the statement of the victim, who on the date of incident was hardly 14 years and 8 months old. Though the applicant was married, he deceived her and made her to elope with him. Considering the overall facts and circumstances of the case, I am not inclined to release the applicant on bail. The Application is rejected.

**(N. R. BORKAR, J.)**