

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

903 BAIL APPLICATION NO.192 OF 2021

Sunil S/o. Ramesh Pawar
Age: 22 years, Occu.: Labourer,
R/o. Bhavan Rushi Colony,
Shivaji Nagar Kalyan Road,
Tq. & Dist.Ahmednagar.

..Applicant
(Orig. Accused)

VERSUS

1. The State of Maharashtra
Through Police Inspector,
Tofkhana Police Station,
Tq. & Dist.Ahmednagar.
and Another

..Respondents

...
Advocate for Applicant : Shri Harish S. Bhambare
APP for Respondent No.1 : Shri S.D.Ghayal
Advocate for Respondent No.2 : Smt.Sunita G.Sonawane
...

...
CORAM : M.G.SEWLIKAR, J.

DATE: 23rd November, 2021

PER COURT :-

1. This is an application under Section 439 of the Code of Criminal Procedure for releasing the applicant on bail in connection with Crime No.0249 of 2020 registered with Tophkhana Police Station, District Ahmednagar, under Sections 376, 376(2)(n), 504, 506 of the Indian Penal Code and under Sections 4, 5(J) (2) (L), 6, 8 and 12 of the Protection of Children from Sexual Offences (POCSO) Act.
2. Informant is the mother of the victim. Victim was 15 years

11 months 8 days old at the time of the incident. She consulted Medical Officer as she suffered from abdominal pains. At that time it was revealed that she was pregnant of seven weeks. On making enquiries with the victim, it transpired that applicant, aged 20 years at that time, had forceful intercourse with the victim. On these allegations, FIR came to be lodged on the basis of which crime as aforesaid came to be registered.

3. Heard Shri Harish S.Bhambare, learned counsel for the applicant, Shri S.D.Ghayal, learned APP for respondent No.1-State and Smt.S.G.Sonawane, learned counsel for the informant-respondent No.2

4. Shri Bhambare, learned counsel for the applicant submits that applicant is in jail since last more than two years. Incident took place out of love affair between applicant and the victim. He submits that charge-sheet is filed. Therefore, applicant be released on bail.

5. Shri Ghayal, learned APP for the respondent No.1 submits that victim was not in consulting age for giving consent for physical relations. FIR shows that against her wish, applicant established physical relations with her.

6. Incident took place in the month of December, 2019. Only

after victim suffered abdominal pains the alleged physical relations between applicant and victim came to light. FIR is delayed by two months. Charge-sheet is filed. Applicant has no criminal antecedents. Having regard to the circumstances, it will not be in fitness of things to detain applicant for an indefinite period. Trial is not likely to commence in near future considering the pandemic situation created due to Covid-19. Therefore, I am inclined to release the applicant on bail. Hence, the order :

ORDER

- i) Bail Application is allowed.
- ii) Applicant be released on P.R.Bond of Rs.15,000/- (Rs.Fifteen thousand only) with one solvent surety in the like amount, in connection with Crime No.0249 of 2020, registered with Tophkhana Police Station, Dist.Ahmednagar, under Sections 376, 376(2)(n), 504, 506 of the Indian Penal Code and under Sections 4, 5(J) (2) (L), 6, 8 and 12 of the POCSO Act.
- iii) Bail Application is disposed of.

**(M.G.SEWLIKAR)
JUDGE**