

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

**933 BAIL APPLICATION NO.1119 OF 2021**

**YOGESH BALASAHEB MORE  
VERSUS  
THE STATE OF MAHARASHTRA**

Shri. M. A. Dond, Advocate for the applicant  
Shri. S. W. Munde, APP for the respondent/State

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

**DATED : 28<sup>th</sup> OCTOBER, 2021**

**PER COURT :-**

1. Heard.
2. Victim aged 15 years is the daughter of the informant. On 22<sup>nd</sup> May, 2021 on 6.00 a.m. informant found that victim was not there in the house. He searched for her and thereafter lodged report on the same day.
3. During investigation it was revealed that applicant had kidnapped her. It was also revealed that applicant had taken her to Rajuri and from there to Malegaon. It was also revealed that applicant aged 22 years had sexual intercourse

with her. Accordingly, offence came to be registered against him under Sections 363, 366, 376, 354, 354D, 506 of the Indian Penal Code and under Sections 4, 5(L), 6, 12 of the POCSO Act. After investigation charge-sheet came to be filed.

4. Learned counsel Shri. Dond for the applicant submits that medical evidence does not support the allegations made by the victim. He submits that whatever allegations are made no evidence is collected by prosecution to corroborate the same.

5. Learned APP submits that there is ample evidence against the applicant.

6. Victim has given the statement after she was traced. In the statement given to the police she did not state anything about the applicant having forceful sexual intercourse with her. In the supplementary statement she made all these allegations. It is pertinent to note that

medical evidence also does not support the allegations made by the victim. Medical Officer has reserved his opinion till the receipt of FSL report. Medical report shows that there was no injury on the Labia Majora, Labia Minora and Clitoris. Hymen was also intact. It is also pertinent to note that statement under Section 164 of the Code of Criminal Procedure though recorded is not a part of charge-sheet. In this view of the matter, considering evidence on record, I am inclined to release the applicant on bail. Hence the order.

#### **ORDER**

1. Application is allowed.
2. Applicant be released on bail on his furnishing PR bond of Rs. 15,000/- (Rupees Fifteen Thousand only) with one solvent surety in the like amount in connection with CR No. 307 of 2021 under Sections 363, 366, 376, 354, 354D, 506 of the Indian Penal Code and under Sections 4, 5(L), 6, 12 of the POCSO Act registered with Shrirampur City Police Station, Dist. Ahmednagar and on condition that he will not tamper the prosecution evidence, shall not pressurise the witnesses and shall not keep any contact with the victim or

any of their family members till the conclusion of the trial.

3. Application is disposed of.

4. It is clarified that the observations made in the above order are restricted to the decision of this application only and the trial Court shall not get influenced by the same and can come to its independent conclusion during trial.

**[M. G. SEWLIKAR, J.]**

ssp