

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

BAIL APPLICATION NO. 556 OF 2022

Gujarya Dilip Pawara	... Applicant
Versus	
The State of Maharashtra and another	... Respondents

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Mr. Amit S. Savale, Advocate for applicant
Mr. G. O. Wattamwar, APP for respondent No.1
Mrs. Manjusha Jagtap, Advocate for respondent No.2 (appointed through Legal Aid)

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CORAM : R. G. AVACHAT, J.

DATED : 11th JULY, 2022

PER COURT :-

. This is an application for bail under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.0443/2021, registered with Dhadgaon Police Station, District Nandurbar, for the offence punishable under Sections 376(2)(i)(j)(n), 506 of the Indian Penal Code and under Section 5(L), 6 of the Protection of Children from Sexual Offences (POCSO) Act, 2012.

2. Heard.

Perused the First Information Report (FIR) and the related police papers.

3. The learned Advocate for the applicant would submit that it is a case of consensual relationship. DNA report is not on record. The applicant was 20 years of age at the relevant time. It will take time for commencement and even conclusion of the trial. He, therefore, urged for grant of bail.

The learned APP and the learned Advocate appointed to represent the informant would, on the other hand, submit that it is an offence of rape against a child. The victim has named the appellant. It would, therefore, not be desirable to grant the applicant bail.

4. Considered the submissions advanced. Perused the First Information Report. Gone through the police papers. The victim was said to be 15 years of age at the relevant time. The FIR has been lodged by her mother. It has been averred therein that when the informant realised change in the physical appearance of the victim, it was realised that the victim was pregnant of about six months. The victim, then named the applicant to be the responsible thereto. Although the blood samples have been sent for DNA analysis, the

report thereof has not yet been received. The applicant was 20 years of age at the relevant time. It will necessarily take time for commencement of trial and conclusion thereof. In the fitness of things, the application is allowed in terms of following order:

ORDER

- (i) The Bail Application is allowed.
- (ii) The applicant shall be released on bail in connection with Crime No.0443/2021, registered with Dhadgaon Police Station, District Nandurbar, for the offence punishable under Sections 376(2)(i)(j)(n), 506 of the Indian Penal Code and under Section 5(L), 6 of the Protection of Children from Sexual Offences (POCSO) Act, 2012, on his executing P. R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with surety bond in the like amount.
- (iii) The applicant shall not tamper with the prosecution evidence.

[R. G. AVACHAT, J.]