

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

BAIL APPLICATION NO.646 OF 2022

Parmeshwar s/o. Narhari Dhakpade

..Applicant

Vs.

The State of Maharashtra and anr.

..Respondents

Mr.P.D.Bachate, Advocate for applicant

Mr.G.O.Wattamwar, APP for respondent no.1

Ms.Divya Khandelwal, Advocate for respondent no.2

CORAM : R.G. AVACHAT, J.

DATE : JULY 19, 2022

ORDER :-

This is an application under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.0385 of 2021 registered with Gangakhed Police Station, Dist.Parbhani.

2. Heard learned counsel appearing for the parties.

3. The victim is said to have been little over 17 years of age at the relevant time. It appears to be a case of emotional involvement. The applicant is 22 years of age. He has been behind the bars since 03.10.2021. On investigation, charge sheet has been filed. It will take time for commencement and conclusion of the trial.

4. Learned counsel appointed to represent respondent no.2 - victim has placed reliance on Apex Court judgment in the case of "X" (minor) Vs. The State of Jharkhand and anr., MANU/SCOR/26579/2022 to submit that the Apex Court had cancelled bail granted by the High Court. The facts thereof indicate that the victim therein was thirteen years of age.

5. In the case in hand, the victim is over 17 years of age, the age of understanding.

6. In view of the above, this Court is inclined to grant the applicant bail. Hence, the following order:-

(i) The application is allowed.

(ii) The applicant be released in connection with Crime No.0385 of 2021 registered with Gangakhed Police Station, Dist.Parbhani, on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

(iii) The applicant shall not tamper with the prosecution evidence in any manner.

(iv) Fee of learned counsel appointed to represent respondent no.2 is quantified at Rs.6,000/- (Rupees Six Thousand).

[R.G. AVACHAT, J.]

KBP