

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

BAIL APPLICATION NO.672 OF 2022

Samadhan s/o. Kishan Budhawale ..Applicant

Vs.

The State of Maharashtra and anr. ..Respondent

Mr.D.M.Mane, Advocate for applicant

Mr.S.P.Sonpavale, APP for respondent no.1

Mr.A.B.Gaikwad-Patil, 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.0279 of 2021 registered with Sengaoon Police Station, Dist.Hingoli.

2. Heard learned counsel appearing for the parties.

3. Learned APP and learned counsel representing respondent no.2 – victim would urge for rejection of the application relying on the judgment in the case of “X” (minor) Vs. The State of Jharkhand and anr., MANU/SCOR/26579/2022. According to them, it is a heinous

offence. The trial Court may be directed to commence the trial and conclude the same within a time frame.

4. Learned counsel for the applicant would, on the other hand, submit that it is the case of emotional involvement of the applicant and the victim. The victim was little over 16 years of age. The applicant was 19 years of age at the relevant time. It was a consensual relationship. He, therefore, urge for grant of bail.

5. Considered the submissions advanced. Perused the FIR and the related papers. The victim in the case of **"X" (minor) Vs. The State of Jharkhand** (supra) was 13 years of age.

6. In the case in hand, the victim is 16 years and 5 months old at the relevant time; whereas the applicant, who is an agriculturist, was 19 years of age. He is behind the bars since 01.11.2021. It will take time for commencement and conclusion of the trial. Considering the age of the applicant and the fact that it was an consensual relationship and there is no likelihood of the trial being commenced in the near future, I am inclined to grant the applicant bail.

7. Hence, the following order:-

(i) The application is allowed.

(ii) The applicant be released in connection with Crime No.0279 of 2021 registered with Sengaoon Police Station, Dist.Hingoli, 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.

[R.G. AVACHAT, J.]

KBP