

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

BAIL APPLICATION NO.546 OF 2022

Sunil s/o. Devrao Sonsale	..Applicant
Vs.	
The State of Maharashtra	..Respondent

Mr.P.P.More, Advocate for applicant
Mr.G.O.Wattamwar, APP for respondent no.1
Mr.S.R.Kedar, Advocate for respondent no.2

**AND
BAIL APPLICATION NO.1011 OF 2022**

Vishnu s/o. Karbhari Sonsale	..Applicant
Vs.	
The State of Maharashtra	..Respondent

Mr.S.R.Bagar, Advocate h/f. Mr.B.N.Gadegaonkar, Advocate for applicant
Mr.G.O.Wattamwar, APP for respondent no.1
Mr.S.R.Kedar, Advocate for respondent no.2

**CORAM : R.G. AVACHAT, J.
DATE : JULY 13, 2022**

ORDER :-

These are the applications under Section 439 of the Code of Criminal Procedure. The applicants have been arrested in connection with Crime No.0259 of 2021 registered with Tembhurni Police Station, Tembhurni, Dist. Jalna.

2. Heard learned counsel appearing for the parties.
3. Learned APP and learned counsel representing the victim would submit that the school record of the victim indicates that she was below 18 years of age at the relevant time. There is statement of a child witness indicating the applicant – Sunil to have committed the alleged act. They would further submit that the victim is attending 11th standard. She is a meritorious student. If the applicants are granted bail, they would again be after the victim and spoil her career. They, therefore, urged for rejection of the applications.
4. On investigation, charge sheet has been filed. Both the applicants are in the age group of 21-22 years. It appears to be a case of emotional involvement of the victim and applicant - Sunil. In the FIR, she does not attribute any overt sexual act to the applicant – Sunil. Four days thereafter, she gave supplementary statement, alleging the applicant - Sunil to have had sexual intercourse against her will.
5. Learned counsel for the applicants have placed on record photographs to indicate that the applicant – Sunil and the victim

have been emotionally involved. The victim has changed her version four days after the FIR was lodged. Although the school record of the victim indicates her to be below 18 years of age, same will have to be proved in the trial.

6. Considering the age of the applicants and the peculiar facts and circumstances of the case, the applications deserve to be allowed.

7. Hence, the following order:-

(i) The applications are allowed.

(ii) The applicants be released in connection with Crime No.0259 of 2021 registered with Tembhurni Police Station, Tembhurni, Dist. Jalna, on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) each with one surety each in the like amount .

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

[R.G. AVACHAT, J.]