

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

BAIL APPLICATION NO. 1089 OF 2022

Santosh Vishnu Gongane	... Applicant
Versus	
The State of Maharashtra and another	... Respondent

....

Mr. Swapnil S. Rathi, Advocate for applicant
Mr. A. V. Deshmukh, APP for respondent No.1
Ms Rani R. Tandale, Advocate (appointed) for respondent No.2

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CORAM : R. G. AVACHAT, J.

DATED : 29th AUGUST, 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.0091/2022, registered at Manwat Police Station, District Parbhani, for the offences punishable under Sections 376(2)(n) of the Indian Penal Code and under Sections 4, 8, 12 of the Protection of Children from Sexual Offences (POCSO) Act.

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

The FIR has been lodged by the father of the victim on 01.04.2022. The victim was said to be 16 years of age at the relevant time. In the FIR, it has been averred that the victim conceived and delivered a baby boy. The victim gave her statement attributing the brother of the applicant (co-accused) to be responsible thereto. The victim, in the very statement alleged the present applicant have had sexually exploited her four months before her statement was recorded.

3. Now, the DNA report has been received. The report indicates the co-accused, brother of the applicant herein, to be the father of the new born.

4. True, the victim has also alleged the applicant to have sexually abused her. On investigation, the charge-sheet has been filed. The co-accused is not before this Court. It will take time for commencement and conclusion of trial. The application is therefore allowed in terms of following order:

ORDER

- (i) The Bail Application is allowed.

- (ii) The applicant be released on bail in connection with Crime No.0091/2022, registered at Manwat Police Station, District Parbhani, for the offences punishable under Sections 376(2)(n) of the Indian Penal Code and under Sections 4, 8, 12 of the Protection of Children from Sexual Offences (POCSO) Act, on his executing P. R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with surety bond of the like amount.
- (iii) The applicant shall not enter the village Itali, taluka Manwat, till conclusion of trial.
- (iv) The applicant shall not tamper with the prosecution evidence.
- (v) Fees of learned Advocate Ms Rani R. Tandale (appointed) is quantified at Rs.6,000/- (Rupees Six Thousand).

[R. G. AVACHAT, J.]