

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

BAIL APPLICATION NO. 1325 OF 2022

Vaibhav Sudhakar Malgunde	... Applicant
Versus	
The State of Maharashtra and another	... Respondents

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Mr. V. M. Maney, Advocate for applicant
Mr. S. P. Sonpawale, APP for respondent No.1
Mr. Ajay T. Kanawade, Advocate for respondent No.2

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CORAM : R. G. AVACHAT, J.

DATED : 15th SEPTEMBER, 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.01/2022, registered at Basamba Police Station, District Hingoli, for the offences punishable under Sections 363, 366-A, 376(2)(i)(j)(n), 376(3), 354, 354(d), 506 r/w 34 of the Indian Penal Code and under Sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences (POCSO) Act, 2012.

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

The FIR has been lodged by the father of the victim, a 14 year and 6 month old girl. It has been averred in the FIR that the informant's daughter went missing on 31.12.2021. The informant suspected involvement of the applicant in the crime in question, and therefore, lodged the FIR against him.

3. During the investigation, both, the applicant and the victim were traced in Pune. The statement of the victim has been recorded. The same suggests the applicant has sexual intercourse with her many a time.

4. Both, the learned APP and the learned Advocate representing the informant are justified in contending that the consent of the victim is immaterial in view of her age.

5. The fact is that, on investigation, the charge-sheet has been filed. The applicant is just 20 years of age. He has been behind the bars for little over eight months. It will take time for commencement and conclusion of trial. Considering the age of the applicant and the fact that the trial is not likely to be commenced in

the immediate future. The Court is inclined to grant his application on condition that he shall not enter Hingoli taluka.

ORDER

- (i) The Bail Application is allowed.
- (ii) The applicant be released on bail in connection with Crime No.01/2022, registered at Basamba Police Station, District Hingoli, for the offences punishable under Sections 363, 366-A, 376(2)(i)(j)(n), 376(3), 354, 354(d), 506 r/w 34 of the Indian Penal Code and under Sections 4, 6, 8 and 12 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 of the like amount.
- (iii) The applicant shall not influence the prosecution witnesses.
- (iv) If the applicant indulged in such activity, the bail granted to him may be cancelled.
- (v) The applicant shall not enter Hingoli taluka until conclusion of the trial.
- (vi) The applicant shall not tamper with the prosecution evidence.

[R. G. AVACHAT, J.]