

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

BAIL APPLICATION NO. 1414 OF 2022

Sunil Mariba Munde	... Applicant
Versus	
The State of Maharashtra and another	... Respondents

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Mr. Prashant P. Giri, Advocate h/f Ms S. V. Dound, Advocate for applicant

Mr. N. T. Bhagat, APP for respondent No.1

Ms Priyanka P. Shinde, Advocate for respondent No.2

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CORAM : R. G. AVACHAT, J.

DATED : 23rd 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.0403/2022, registered at Ahmedpur Police Station, District Latur, for the offences punishable under Sections 376, 376(2)(n), 363, 366 of the Indian Penal Code and under Section 4 of the Protection of Children from Sexual Offences (POCSO) Act.

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

3. The FIR has been lodged by the victim herself on 11.08.2022. At the time of lodging of the FIR, her age was 17 years and 8 months. She was a student of 12th standard. The applicant is her relative. Both of them came in contact through Whatsapp. Acquaintance developed into emotional relationship. The applicant promised to marry her. On the strength of such promise, he sexually exploited her. Last time, he was sexually exploited her on 07.08.2022, while the FIR has been lodged four days thereafter.

4. The medical examination report simply suggests that sexual assault cannot be ruled out. The applicant is in jail since 11.08.2022. He is 19 years of age. It will take time for conclusion of investigation and resultant trial.

5. Learned Advocate for the victim and the learned APP urged for rejection of application considering the seriousness of the offence.

6. Since there is delay of four days delay in lodging of the FIR, the medical examination report is not likely to support the prosecution. It was a case of emotional relationship. The victim was 17 years and 8 months old. The applicant is 19 years of age. The Court is therefore inclined to grant the applicant, bail. Hence, following order:

ORDER

- (i) The Bail Application is allowed.
- (ii) The applicant be released on bail in connection with Crime No.0403/2022, registered at Ahmedpur Police Station, District Latur, for the offences punishable under Sections 376, 376(2)(n), 363, 366 of the Indian Penal Code and under Section 4 of the Protection of Children from Sexual Offences (POCSO) Act, on his executing P. R. bond in the sum of Rs.50,000/- (Rupees Fifty Thousand) with surety bond of the like amount.
- (iii) The applicant shall not tamper with the prosecution evidence.
- (iv) Fees of learned Advocate Ms Priyanka P. Shinde (appointed) is quantified at Rs.6,000/- (Rupees Six Thousand).

[R. G. AVACHAT, J.]