

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

BAIL APPLICATION NO. 1512 OF 2022

Shankar Nandu Giri

..APPLICANT

VERSUS

State of Maharashtra and Another

..RESPONDENTS

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Mr. S.G. Bobde, Advocate for applicant

Mr. V.S. Badakh, A.P.P. for respondent no.1 – State

Ms. S.B. Chaudhari, Advocate for respondent no.2 – victim (appointed)

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CORAM : R.G. AVACHAT, J.

DATE : 29th SEPTEMBER, 2022

PER COURT :

1. This is an application for bail under Section 439 of Code of Criminal Procedure. The applicant has been arrested in connection with Crime No. 192 of 2022 registered with Waluj Police Station, Dist. Aurangabad for the offences punishable under Sections 363, 366-A, 376(2)(i) and 376(2)(n) of the Indian Penal Code and under Sections 4, 5-L, 6, 16 and 17 of the Protection of Children from Sexual Offences Act, 2012.

2. Heard. Perused the First Information Report ("F.I.R.") and related police papers.

3. The F.I.R. has been lodged by father of the victim on 15th June, 2022. Perused statement of the victim. She was 15 years and 9 months old

at the relevant time. It was a case of emotional involvement between the applicant and the victim. Although she stated in her statement that the applicant had threatened to kill her parents or commit suicide, and therefore, she was compelled to join him, the reading between the lines suggest that both of them left the village for Pune, stayed in a lodge for some days and came back only when the village Sarpanch and one another person came to get them back. As such, there appears to be a case of consensual relationship. The medical examination report of the victim indicates no signs of force used. However, intercourse cannot be ruled out. Final opinion is said to be reserved pending C.A. reports. The C.A. report has not yet been received. The applicant is twenty-three years of age. He is in jail since 19th June, 2022. It will take time for commencement and conclusion of trial.

4. In view of above, the application deserves to be allowed. Hence I pass the following order :-

ORDER

(I) The bail application is allowed.

(II) The applicant be released on bail, in connection with Crime No. 192 of 2022 registered with Waluj Police Station, Dist. Aurangabad for the offences punishable under Sections 363, 366-A, 376(2)(i) and 376(2)(n) of the Indian Penal Code and under Sections 4, 5-L, 6, 16 and 17 of the Protection of Children from

Sexual Offences Act, 2012, on executing PR. 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.

(IV) Fees of Ms. S.B. Chaudhari, learned counsel, is quantified to Rs.6,000/-.

(R.G. AVACHAT, J.)

SSD