

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

926 BAIL APPLICATION NO.1751 OF 2022

Jaykaran s/o Prakash Panpatil,
Age; 22 years, Occ; Agri,
R/o; Mohlai, Tq Bhokardan,
District; Jalna.

...Applicant

VERSUS

1. The State of Maharashtra,
Through Police Inspector,
Police Station Bhokardan,
District; Jalna.

2. XYZ.

...Respondents.

...
Advocate for Applicant : Mr.Bhosle Pratik A., Mr.C.S. Ambure, Mr.
C.A.Chandel and Mr. S.R. Bhandarge
APP for Respondent No. 1-State : Mr.K.S. Patil
Advocate for Respondent No. 2 : H.P.Bondar
...

CORAM : S. G. MEHARE, J.

DATE : 23.11.2022.

PER COURT :

1. Heard the learned Counsel for the applicant, learned APP
for respondent No.1/State and the learned Counsel for respondent
No. 2/informant.

2. The learned Counsel for the applicant would submit that
the applicant denied to marry the victim since she was minor. The

complainant/victim became annoyed and lodged a false report. He never did sex with her. Referring to the FIR and other material, he would submit that to have a sex in a running bus is not possible. In a short period of the alleged eloping, she was left to the police station. In her statement dated 15.04.2022, she has exonerated some of the persons on the ground of her annoyance. The applicant has committed no offence particularly sexual assault. The victim was more than 16 years. There were no signs of sexual assault. The victim was under the pressure of her relatives. Hence she had stated against the applicant unhappily. The investigation is over. The applicant may be granted bail.

3. The learned APP for respondent/State and the learned Counsel appearing for the informant/victim strongly opposed the application. They would argue that the victim was minor at the time of the incident. The medical examination report of the victim reflects the contusion wound on her breast. The medical expert expressed opinion that the possibility of sexual assault cannot be ruled out. The offence is serious. The applicant may not be granted bail.

4. Perused the papers. It appears that the victim had left her home on 09.04.2022 at 12.00 a.m. That time her maternal cousin sister was with her. There appears no force was applied by the

applicant. It has been transpired in the investigation that on the next day of the incident they went to Surat. The uncle of the applicant was coming to fetch them, however, he did not come. Hence, they went to Nashik. His friend did not come to fetch them at Nashik. The applicant brought her at Aurangabad. The allegations having sexual assault in the running bus is not supported with the medical report. The contusion wound on the breast of the complainant cannot be believed to be the evidence of violent sexual assault. Assessing the effect of the material collected against the applicant, there appears a substance in the argument of the learned counsel for the applicant that the report has been lodged in the fit of anger. The applicant is young boy. There is some doubtful situation, that entitles the applicant bail. Hence the order :

- a. The application is allowed.
- b. The applicant Jaykaran s/o Prakash Panpatil, be released on bail, on furnishing P.B. & S.B. in the sum of Rs. 50,000/- (Rs. Fifty Thousand Only), with one solvent surety in the like amount, in Crime No.181 of 2022, registered with Bhokardan Police Station, District Jalna, for the offence punishable under Sections 363, 366(A), 376 read with Section 34 of the Indian Penal Code and under Section 4, 6, 8 and 17 of the Protection of Children from Sexual Offences Act, 2012, on the conditions that (i) He shall not contact with the victim

and the prosecution witnesses in any mode and manner, (ii) He shall not involve in the similar crime.

(S. G. MEHARE)
JUDGE

mahajansb/