

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.126 OF 2023

YOURAJ VIJAY SHINDE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. V. D. Sapkal, Senior Advocate i/b.
Mr. V. R. Autade
APP for Respondent No.1 : Mr. S. P. Sonpawale
...

CORAM : S. G. MEHARE, J.

DATE : 03-02-2023

PER COURT :-

1. Heard the learned senior counsel appearing for the applicant and the learned A.P.P. for respondent No.1/State. Respondent No.2/victim prosecutrix was served, but she did not appear.
2. The facts reveal that the applicant and the prosecutrix met in the year 2019. Then they were chatting on the face book. The prosecutrix used to go to gym where the applicant was a trainer. In passage of time, the applicant expressed his desire to marry the prosecutrix. However, she denied saying that their marriage is not possible. However, their relations continued. They were meeting at Pune.
3. After having gone through the first information report, it reveals that the report was lodged when the applicant allegedly

denied to marry her and she learnt that the applicant was married and having two children. The victim was 28 years old. She was pursuing M.P.S.C. class. It appears impossible that in the small town like Shrirampur, she did not know that the applicant was married. The over all allegations reveal that she did consensual sex with the applicant. She was never resisted him. She was in relation with the applicant for about three years. Whether it was a breach of promise, is a matter of evidence before the trial Court. The applicant is languishing in jail for sufficient time. Nothing is to be recovered from him. In the circumstances, the applicant deserves bail. Thus, the following order:-

- i) Application is allowed.
- ii) Applicant Youraj Vijay Shinde be released on bail, on furnishing PB and SB of Rs.50,000/-, with one solvent surety of the like amount, in C.R.No.I-1134 of 2022 registered with Shrirampur City Police Station, District Ahmednagar, for the offences punishable under Sections 376, 376(2)(n), 420, 323, 504 and 506 of the Indian Penal Code, on the conditions that,
 - (a) He shall not contact the victim in any way or mode.
 - (b) He shall attend the police station as and when called by the Investigating Officer on written notice till filing of the chargesheet.

(S. G. MEHARE)
JUDGE