

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

931 BAIL APPLICATION NO.220 OF 2023

PRASHANT @ PRASAD BALIRAM KALBANDE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr. Salunke Sudarshan J.
APP for Respondent-State : Mr. S. B. Narwade.
Advocate for Respondent No.2 : Mr. Ashutosh Kulkarni
(Appointed).

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CORAM : S. G. MEHARE, J.
DATE : 22.02.2023

PER COURT :-

1. Heard the learned counsel for the applicant, learned APP for the respondent-State and learned counsel for respondent No.2/victim.
2. Applicant is seeking bail under Section 439 of the Cr.P.C. for the offences punishable under Sections 376(2)(j), 376(2)(n), 336, 326, 324, 504, 506 read with Section 34 of the IPC, Section 4 and 12 of the POCSO Act, Section 3(2)(va), 3(1)(w)(t)(tt) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, registered with Nanalpeth Police Station, District Parbhani.
3. It is alleged against the applicant that he did sex with the victim under the promise to marry. However, he did not marry.

The victim was 15 years old at the time of incident. The applicant was convicted for the similar offence. He has preferred the appeal against the judgment of conviction before the High Court. His sentence was suspended and granted bail to him on the condition not to repeat any offence during pendency of the appeal. The applicant has again committed a same offence during the pendency of appeal, for which he had been convicted. This goes to show the *modus operandi* of the applicant to cheat the minor girls under the promise to marry. It may also be inferred that the applicant traps the minor girls and do sex with them under false promise to marry. In the light of the conduct of the applicant, it would be inappropriate to release him on bail.

4. Hence, the application stands dismissed.

5. The Secretary, High Court Legal Services, Sub-Committee, Aurangabad do pay the legal fees to the learned counsel Mr. Ashutosh Kulkarni as per the schedule.

(S. G. MEHARE, J.)

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vmk/-