

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

BAIL APPLICATION NO.290 OF 2023

VISHAL @ ISHWAR KRUSHNA SHINDE  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER

...  
Advocate for Applicant : Mr. Vishal Kakde holding for  
Mr. Sudheerkumar G. Ghongade  
APP for Respondent No.1 : Mr. S. B. Narwade  
Advocate for Respondent No.2 : Mr. Dinkar K. Dagadkhair  
...

**CORAM : S. G. MEHARE, J.**

**DATE : 06-04-2023**

**PER COURT :-**

1. Heard the learned counsel for the applicant, the learned A.P.P. for the respondent No.1/State and the learned counsel for respondent No.2/victim.
2. The victim is the maternal cousin of the applicant. They had love affair. Papers reveal that the victim was well aware of the acts done with her by the applicant. However, till her pregnancy revealed, she did not complain. The applicant and the victim belong to the Scheduled Tribe and an affidavit has been filed that marriage with maternal sister is permissible. The applicant admits paternity of the child and also made a statement that he is ready to look after the victim and the newly born child.

3. The applicant is 19 years old. It seems a consensus affair. The chargesheet has also been filed. Considering the facts and circumstances of the case, the age of the applicant as well as interest of the victim and newly born child, it would be inappropriate to keep him behind bar. Hence, the following order :-

- i) The application is allowed.
- ii) Applicant Vishal @ Ishwar Krushna 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.0474 of 2022, registered with Gangapur Police Station, Taluka Gangapur, District Aurangabad, for the offence punishable under Sections 376(2)(n), 376(2)(j) of the Indian Penal Code and Sections 4, 6, 8, 12 of the Protection of Children From Sexual Offences Act, 2012, on the conditions that,
  - (a) He shall take care of the victim and newly born child, but shall not pressurize the victim.
  - (b) He shall not contact the victim if she did not allow him to contact till conclusion of the trial.
- iii) The Secretary, High Court Legal Services Sub-Committee, Aurangabad, do pay the fees to Mr. Dinkar K. Dagadkhair, learned counsel appointed for respondent No.2/victim, as per the schedule.

**( S. G. MEHARE )**  
**JUDGE**