

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.452 OF 2023

DNYANESHWAR VISHWAJIT LAMBHADE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Nilesh S. Ghanekar
APP for Respondent No.1 : Mr. S. B. Narwade
Advocate for Respondent No.2 : Mr. Dinkar Kamble (appointed)
...

CORAM : S. G. MEHARE, J.

DATE : 05-04-2023

PER COURT :-

1. Heard the learned counsel for the applicant, the learned A.P.P. for respondent No.1/State and the learned counsel for applicant No.2.

2. It appears that it is a case of love affair. When the parents of the victim learnt about their affair, they stopped her going school. Even then, she was contacting the applicant. It has been argued that there were no allegations against the applicant that he did forcible sex with her and fled away. The false reports have been lodged against his brother about threatening the victim to have a material to oppose the bail application. The investigation has been completed and nothing is to be recovered and discovered from him.

3. The learned A.P.P. and the learned counsel for the victim opposed the application contending that the victim was minor running 15 years at the time of the alleged incident. The offence is serious. The applicant is from the well to do family. He may win over her. Hence, he may not be granted bail.

4. Perused the papers. Undisputedly, it was a case of love affair. There is no allegation of forcible sex when she had been with the applicant. Whether the threats were given to the victim or her parents is a matter of investigation. The victim was in advanced age. She was well aware of the acts she was doing. To protect the interest of the victim as well as the applicant, it would be inappropriate to keep the applicant behind bar. Hence, the following order :-

- i) Application is allowed.
- ii) Applicant Dnyaneshwar Vishwajit Lambhade 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.338 of 2022, registered with Sengaon Police Station, Taluka Sengaon, District Hingoli, for the offence punishable under Sections 376(2)(i), 363, 366A, 506 read with Section 34 of the Indian Penal Code and Sections 3 and 4 of the Protection of Children from Sexual Offences (POCSO) Act, on the conditions that,

- (a) He shall not tamper with the prosecution witnesses.
 - (b) He shall not viral any message about his so-called relationship with the victim by any mode or manner till the conclusion of the trial.
 - (c) He shall stay away from village Jaypur, Taluka Sengaon, District Hingoli, for three months from the day of his release on bail.
- iii) The Secretary, High Court Legal Services Sub-Committee, Aurangabad, do pay the fee to the learned counsel appointed for respondent No.2/victim, as per the schedule.

(S. G. MEHARE)
JUDGE

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