

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

APPLICATION FOR CANCELLATION OF BAIL NO.52 OF 2023

X Y Z

.. Applicant

Versus

1. Anil s/o. Ashok Chavan,
Age 20 years, Occu. Education,
R/o. Jodtanda Warola,
Taluka Majalgaon, District Beed
 2. The State of Maharashtra
Through the Investigation Officer,
Majalgaon Rural Police Station,
Majalgaon, District Beed
- .. Respondents

Mr. Yogesh K. Bobade, Advocate for Applicant;
Mr. S. P. Deshmukh, APP for Respondent No.2/State

CORAM : S. G. MEHARE, J.

DATE : 28-04-2023

PER COURT :-

1. Heard the learned counsel for the applicant.
2. This is an application for cancellation of bail granted to respondent No.1/accused by the learned Special Judge, Majalgaon, below Exhibit-1 in Bail Application No.72 of 2023 in respect of C.R.No.0041 of 2023 for the offences punishable under Sections 363, 376(2)(n) of the Indian Penal Code and Sections 4, 6 of the Protection of Children from Sexual Offences (POCSO) Act, 2012.

3. The victim was 17 years and 1 month old at the time of the incident and the applicant was 20 years. The learned Special Judge granted bail and discussed the facts and case laws relied upon by the learned counsel for the respective parties and then granted bail. The facts of the case have also been considered. Respondent No.1/accused had a case of love affair. They stayed together for about four days. During the four days, the applicant/victim never resisted respondent No.1/accused. It seems that the father of the victim is still aggrieved. He might have a strong oppose to the relationship of the victim and the applicant. Be that as it may, there are no overwhelming circumstances to cancel the bail. The law is well settled that bail may be cancelled if the order granting bail is perverse and arbitrary. No any legal ground is available to cancel the bail.

4. For the above reasons, the application for cancellation of bail stands dismissed without notice to the respondents.

(S. G. MEHARE)
JUDGE

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