

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

34 BAIL APPLICATION NO.534 OF 2023

MANOJ BHAGWAN SHINDE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. More P. P.
APP for Respondent-State : Mr. S. B. Narwade.
Advocate for Respondent No.2 : Mr. Ajinkya Reddy-Appointed.

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CORAM : S. G. MEHARE, J.
DATE : 10.04.2023

PER COURT :-

1. Heard the learned counsel for the applicant, learned APP for the respondent-State and the learned counsel appointed for respondent No.2/victim.

2. The record reveals that the victim had affair with the applicant. They were in relationship since last one year from the date of the report. Since the mother of the victim scolded her, she informed the applicant. Therefore, he advised her to flee away and marry. This indicates that the parents were opposing their relationship. The medical report also not concretely support the allegations. She did not allege that the applicant did forceful sex with her. She was 14 years and 7 months old at the time of lodging the report. As far as the

crime in which the applicant has arraigned as an accused is concerned, the allegations levelled against him are that he supported his friend, who had also love affair with another girl. There is no direct evidence against him that he committed the similar offence. Taking the facts and circumstances of the case, the conduct of the victim into consideration, it appears that she was well aware of the consequences of the acts she was committing. The applicant is also college going boy. Therefore, the circumstances favour the applicant to get the bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **MANOJ BHAGWAN SHINDE** be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of the like amount, in Crime No.13 of 2023, registered by Police Station Paradh, District Jalna, for the offences punishable under Sections 363, 366A, 376, 376(2)(n)(i) of the IPC and Sections 4, 6, 8, 10, 12 of the POCSO Act, on the following conditions :

- (a) The applicant shall not contact the victim and her family members in any mode or manner till the conclusion of the trial.
 - (b) He shall not tamper with the prosecution witnesses.
 - (c) He shall not enter village Pimpalgaon, Taluka Bhokardan, District Jalna till the conclusion of the trial.
- (iii) The Secretary, High Court Legal Services, Sub-Committee, Aurangabad do pay the legal fees to advocate Reddy as per the schedule.

(S. G. MEHARE, J.)

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vmk/-