

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

BAIL APPLICATION NO.726 OF 2023

DIPAK RAJU SAKAT
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Katneshwarkar S.P.
APP for Respondent/State : Mr. S.B. Narwade
Advocate for Respondent No.2 : Mr. Vishnu Jaware (Appointed
Through Legal Aid)

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CORAM : S.G. MEHARE, J.

DATED : MAY 03, 2023

PER COURT:-

1. Heard learned counsel for the applicant, learned APP for the State and learned counsel appointed for the victim.
2. The applicant is seeking bail in Crime No.201 of 2022 registered with Basmath Rural Police Station, District Hingoli for the offence punishable under Section 363, 366(A), 376, 376(2)(i), 109 r/w 34 of Indian Penal Code and Section 3, 4 and 17 of Protection of Children From Sexual Offences Act.
3. The papers reveal that the victim who was above 13 years had an affair with the applicant. She used to talk with him secretly from her parents. She went with him as the applicant expressed that he wanted to marry her. They had sexual relationship as per the allegations. The prosecution is opposing the application mainly on the ground of age of the victim and admitted sexual intercourse.

4. The applicant himself surrendered on 17.10.2022. He also produced the victim in the police station. Then the investigation was done. Her statement under Section 164 of the Cr.P.C. was recorded after about a month of the alleged incident. The papers further reveal that the victim was knowing the consequences of the acts she was doing. No physical harm was caused to her. The applicant is also 18 years boy. Considering the facts in toto and the time that will be spent to complete the trial, the Court is of the view that applicant deserve bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Dipak Raju Sakat, be released on bail on executing PB. and S.B. of Rs.50,000/- (Rupees fifty thousand) with one solvent surety in the like amount in connection with the above crime, on the conditions that he shall not tamper with the prosecution witnesses.
- (iii) The applicant shall attend the trial on each and every date.
- (iv) The applicant shall not contact the victim in any way and shall not involve in similar crime till conclusion of the trial.
- (v) The applicant shall not enter the village where the victim and her parents reside, till conclusion of the trial.

(3)

(vi) The Secretary, High Court Legal Services Sub-Committee, Aurangabad Bench do pay the fees to the appointed counsel for the respondent no.2/victim as per schedule.

(S.G. MEHARE, J.)

Mujaheed//