

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

928 BAIL APPLICATION NO.834 OF 2023

MAHADU UDAL MAHER @ MADHAV UDALSING MAHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Rajendrraa Deshmukkh (Senior
Counsel) i/b Mr. Deshmukkh Devang Rajendrraa a/w
Mr. Shriram V. Deshmukh.
APP for Respondent-State : Mr. K. S. Patil.
Advocate for Respondent No.2 : Mr. Mahendra Kochar-
Appointed.

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CORAM : S. G. MEHARE, J.
DATE : 02.08.2023

PER COURT :-

1. Heard the learned counsel for the applicant, learned APP for the respondent-State and learned counsel for respondent No.2/victim.
2. The applicant is seeking bail in Crime No.35 of 2023, registered with Paradh Police Station, Tal. Bhokardan, District Jalna, for the offences punishable under Sections 354(A), 354(D), 376(2)(n)(i), 341, 452, 506 of the IPC and Sections 4, 6, 8, 10, 12 of the POCSO Act.
3. The applicant claimed that the victim eloped voluntarily with him. They had a love affair. He never took disadvantage

of her age. She was in the advancing age of majority. However, the false allegations have been levelled against the applicant. There was delay of 37 days in lodging the report. The photographs placed on record taken from the mobile handset of the accused reveals that the victim was not forced or seen fearful. The photographs reflects that she was voluntarily with the applicant. Considering the age of the victim, she appears able to take an appropriate decision and knowing the consequences of the act she was doing. There is nothing on record that he made those photographs viral. The possibility of pressurizing the victim by her relatives and family cannot be ruled out. The investigation has been completed. The charge sheet has been filed. There are no antecedents to the discredit of the applicant. Therefore, no purpose would be served keeping the applicant behind bar. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **MAHADU UDAL MAHER @ MADHAV UDALSING MAHER** be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of

like amount, in Crime No.35 of 2023, registered with Paradh Police Station, Tal. Bhokardan, District Jalna, for the offences punishable under Sections 354(A), 354(D), 376(2)(n)(i), 341, 452, 506 of the IPC and Sections 4, 6, 8, 10, 12 of the POCSO Act, on the following conditions :

- (a) The applicant shall not tamper with the prosecution witnesses.
 - (b) He shall not contact the victim on phone or in any other mode till conclusion of the trial.
 - (c) He shall stay away from village Kalyani for three (3) months from the date of his release.
- (iii) The Secretary, High Court Legal Services, Sub-Committee, Aurangabad do pay the legal charges to learned counsel appointed for respondent No.2 as per the schedule.

(S. G. MEHARE, J.)

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vmk/-