

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

928 BAIL APPLICATION NO.868 OF 2023

NAVNATH S/O MOTIRAM RATHOD
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Jadhwar Sidhesh V.
APP for Respondent-State : Mr. Y. G. Gujrathi.
Advocate for Respondent No.2 : Mr. R. N. Dhakade.

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CORAM : S. G. MEHARE, J.
DATE : 07.07.2023

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.292 of 2022, registered at Dharur Police Station, District Beed, for the offences punishable under Sections 376, 376(2)(n) of the IPC and Sections 6 and 8 of the POCSO Act.
3. It is a case of love affair. Out of the relationship, the victim got pregnant. In the FIR, she did not make any allegation against the applicant that he never denied her and her pregnancy. The FIR also reveals that the mother of the victim tried to hide the pregnancy and took her to the hospital.

Due to the jerk in a Jeep, the fetus partly came out. In that situation, she went to the hospital and aborted in the bathroom. So out of fear, she dropped the fetus in one bucket. Until, her abortion came to light, there were no allegations against the applicant. However, thereafter, a new story of cheating the victim was brought. In fact the parents of the victim were knowing well about their relationship, but they also kept mum. Though the offence appears serious, the role attributed to the applicant was brought subsequently after thought. Therefore, the applicant deserves bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **NAVNATH S/O MOTIRAM RATHOD** 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.292 of 2022, registered at Dharur Police Station, District Beed, for the offences punishable under Sections 376, 376(2)(n) of the IPC and Sections 6 and 8 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 or her parents till conclusion of the trial.

(S. G. MEHARE, J.)

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vmk/-