

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

937 BAIL APPLICATION NO.882 OF 2023

DATTA S/O VILAS KALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicant : Mr. Shinde Dhananjay M.
APP for Respondents-State : Mr. Y. G. Gujrathi.
Advocate for Respondent No.3 : Mr. Shinde Sharad S.-
Appointed.

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CORAM : S. G. MEHARE, J.
DATE : 23.06.2023

PER COURT :-

1. Heard the learned counsel for the applicant, learned APP for the respondents-State and the learned counsel appointed for the victim/respondent No.3.
2. The applicant is seeking bail in Crime No.78 of 2023, registered at Sengaon Police Station, District Hingoli, for the offences punishable under Sections 376(2)(i), 363, 366(A), 506 read with Section 34 of the IPC and Section 3, 4 of the POCSO Act.
3. The papers placed on record with charge sheet reveals that the victim was voluntarily in relationship with the applicant. Till the report of missing was lodged, she never

made any complaint against the applicant. She has made no allegations against the applicant that when they were together at another place, the accused did sex with her. The papers also reveals that the applicant did not cause the violence and the victim was voluntarily went with him. Though she has deposed against the applicant that he did forceful sex with her before the incident, she never disclosed it to her parents. Her statement reveals that one day her mother caught her calling the applicant on phone. She never tried to flee away from the custody of the applicant, when she was taken to the other place and she did not call her parents.

4. Considering the facts in entity, it seems that it was a conscious affair. The charge sheet has been filed. Nothing is to be recovered from him. Therefore, the applicant deserves bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **DATTA S/O VILAS KALE** 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.78 of 2023, registered at Sengaon Police Station, District

Hingoli, for the offences punishable under Sections 376(2)(i), 363, 366(A), 506 read with Section 34 of the IPC and Section 3, 4 of the POCSO Act, on the following conditions :

- (a) The applicant shall not contact the victim till conclusion of the trial
- (b) He shall not enter village Holgira, Taluka Sengaon, District Hingoli for three months from the date of his release.
- (iii) The Secretary, High Court Legal Services, Sub-Committee, Aurangabad do pay the legal charges to the learned counsel appointed for respondent No.3 as per the schedule.

(S. G. MEHARE, J.)

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vmk/-