

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.939 OF 2023

RAKESH YUVRAJ JIRE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Harshal P. Randhir, Mr. Sejal K. Agrawal
APP for Respondent No.1/State : Mr. S. B. Narwade
Advocate for Respondent No.2 : Ms. Mayuri G. Kasturkar
(Appointed Through Legal Aid)
...

CORAM : S. G. MEHARE, J.

DATE : 27-06-2023

PER COURT :-

1. Heard the learned counsel for the applicant, the learned A.P.P. for respondent No.1/State and the learned counsel for respondent No.2/victim.
2. The applicant is seeking bail in C.R.No.504 of 2022 registered with Chalisgaon Rural Police Station, District Jalgaon, for the offences punishable under Sections 376(2)(j), 376(2)(i), 376(2)(n), 354D, 323, 506 read with Section 34 of the Indian Penal Code and Sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.
3. The victim was more than 16 years at the time of the alleged incident. Though she alleged the forcible sex done by the applicant, but other circumstances reveal that she was in consensual relationship with him. As per the allegation, the last intercourse was done in the month of March-2022 and the report was lodged in the month of November-2022 when her pregnancy came to the light. She never had complaints against the applicant

any time before her pregnancy was revealed. In such circumstances, the possibility of tutoring to the victim or pressurizing her cannot be ruled out. The applicant is also young boy of 22 years. The victim was well aware of the acts she was doing. The investigation has been completed. Nothing is to be recovered from the applicant. Keeping the applicant behind bar would serve no purpose. Therefore, he deserves bail on conditions. Hence, the order:-

- i) Bail application is allowed.
- ii) Applicant Rakesh Yuvraj Jire be released on bail, on furnishing PB and SB of Rs.50,000/-, with one solvent surety of the like amount, in C.R.No.504 of 2022 registered with Chalisgaon Rural Police Station, District Jalgaon, for the offences punishable under Sections 376(2)(j), 376(2)(i), 376(2)(n), 354D, 323, 506 read with Section 34 of the Indian Penal Code and Sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, on the conditions that,
 - (a) He shall not contact the victim or her parents in any mode or manner till conclusion of the trial.
 - (b) He shall stay away for four months from village Tambole Budruk, Taluka Chalisgaon, District Jalgaon, from the date of his release.
 - (c) He shall attend the trial on effective dates.
- iii) The Secretary, High Court Legal Services Sub-Committee, Aurangabad, do pay the fees to the learned counsel appointed for respondent No.2/victim as per the schedule.

**(S. G. MEHARE)
JUDGE**