

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

BAIL APPLICATION NO.1090 OF 2023

**ROHIT SURESH MHASKE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...
Advocate for Applicant : Mr. S. D. Kotkar
APP for Respondent: Mr. K. S. Patil
Advocate for respondent No.2 : Mr. D. R. Markad

....

CORAM : S. G. MEHARE, J.

DATE : 06.07.2023

PER COURT :

1. Heard learned counsel for the applicant, the learned A.P.P. for the respondent No.1/State and the learned counsel for respondent No.2/victim.

2. The applicant is seeking bail in Crime No. 212 of 2023 registered with Newasa Police station, Taluka Newasa, District Ahmednagar, for the offences punishable under Sections 376(2)(n), 504, 506 of the Indian Penal Code and Sections 4,6,8 and 10 of Protection of Children From Sexual Offences Act 2012.

3. The applicant and victim are the relatives. They were in

relationship. Out of their relationship the victim got pregnant and carrying eight months pregnancy. Since the report was lodged, the applicant was sent behind bar. Now, the victim who is major as on today filed an application that she intends to marry the applicant as it was her desire before registering the crime. She wants to give birth to the child in womb. She has voluntarily sworn in the affidavit requesting to release the applicant on bail for the welfare of the child in her womb. It seems that the victim is able to take appropriate decision about her life and future. The applicant has also raised ground that they are intending to marry and still the applicant also wants to marry her. The victim is present in the Court with her parents. Her father stated in the open Court that he is also ready to perform the marriage of the applicant and the victim. In these peculiar facts of the case, further detention of the applicant would serve no purpose. Hence, the following order :-

ORDER

- (i) The application is allowed.
- (ii) Applicant Rohit Suresh Mhaske be released on bail on furnishing P. B. and S.B. of Rs. 50,000/- with one solvent surety of the like amount, in aforementioned crime registered with aforementioned police station, with an undertaking that he

would marry with her and look after the child likely to be born in near future.

(S. G. MEHARE)
JUDGE

ysk