



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 1347 OF 2023

SHRI ABHAY MANGESH GAIKWAD ..APPLICANT
VS.
STATE OF MAHARASHTRA AND ANR. ..RESPONDENTS

Mr. Shailesh Chavan a/w Mr. Tejas Modak a/w Mr. Hrishikesh Avhad, for the applicant.
Ms. Veera Shinde, APP for the State.
Mr. Nagesh Khedkar, for Respondent No.2.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 10, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail in respect of the offence punishable under sections 366, 366A, 376, 376(2)(n) of the Indian Penal Code, 1860, and under sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012 registered on 18/09/2022 vide C.R. No.206 of 2022 with Shirval Police Station, Satara. The applicant was arrested on 20/09/2022.
- 3.** Learned APP opposed the application contending that the

victim being minor, the applicant should not be enlarged on bail.

4. It is the prosecution case that at the relevant time, the applicant was 19 years of age and the victim was 15 to 16 years of age. From the statement of the victim, it appears that the relationship was consensual relationship. Before the trial Court, the victim has filed an affidavit that she has no objection if the applicant is enlarged on bail. Learned counsel for the victim who is present in this Court submitted that the victim does not have any grievance against the applicant and that the applicant should be enlarged on bail. The victim is present. She is identified by learned counsel for the respondent no.2. The victim says that she does not want to proceed with the matter further. She has no objection if the applicant is enlarged on bail. It is submitted by her that there is no pressure, force on her and that the statement is made voluntarily. The victim being a minor, her consent is immaterial.

5. The applicant was arrested on 20/09/2022. He is 19 years old boy and is in custody for more than 1 year. The investigation is complete. Charge-sheet has been filed. There is no possibility of the trial concluding any time soon. In the facts and circumstances of the present case, I am inclined to enlarge the applicant on bail. There

are no criminal antecedents reported against the applicant. He is not a flight risk. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Abhay Mangesh Gaikwad in connection with C.R. No. 206 of 2022 registered with Shirwal Police Station, District- Satara shall be released on bail on his furnishing P.R. Bond of Rs.15,000/- with one or more sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 15,000/- for a period of 6 weeks in lieu of surety.
- (d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.
- (e) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any

change.

(f) The applicant shall attend the trial regularly.

(g) The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

6. The application is disposed of.

(M. S. KARNIK, J.)