



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

BAIL APPLICATION NO. 194 OF 2024

Siddharth Maroti Sonkamble

VERSUS

The State Of Maharashtra And Another

...

Advocate for Applicant : Mr. G.L. Deshpande

APP for Respondent-State: Mr. A. S. Shinde

Advocate for Respondent No.2 : Mrs. Pathan Tahiwarekhan
Wajeedkhan

...

CORAM : S. G. MEHARE, J.

DATE : 12.02.2024

PER COURT :

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

2. The applicant seeks bail in Crime No. 100 of 2022 registered with Police Station Bhokar, District Nanded, for the offences punishable under Sections 363 & 376(1) read with Section 34 of the Indian Penal Code and Sections 4 and 8 of the The Protection of Children From Sexual Offences Act, (POCSO) Act, 2012.

3. The earlier two bail applications were not decided on merit. His first bail was dismissed for default and second was not entertained as he did not approach the Sessions Court.

4. The learned counsel for the applicant submits that the applicant had acquaintance with the victim; however, her family was opposing their relationship. He never forced her to elope with him. However, due to pressure of her family, she was stating against him. She did not state that at any time she resisted him when she was allegedly taken away. He would submit that the false allegation of sexual assault has been made. The Medical report does not support her contentions. The applicant is a 22 years old young boy having no antecedents to his discredit. Hence, he may be granted bail.

5. The learned counsel for the victim has strongly opposed the application. She would submit that the victim was a minor. The relatives of the applicant were threatening the witnesses. The maternal aunt of the victim was compelled to lodge the report. The brother of the victim has lodged report against elder brother

of the applicant. She has submitted that if the applicant is released on bail, the witnesses may be threatened. The charge sheet has been filed and trial may be commenced. It is not safe to grant him bail.

6. The learned AGP opposed the application contending that the offences are serious. Victim was a child. The applicant has no good case for bail.

7. It is common experience that after sending the accused behind bar, the prosecution witnesses start lodging reports. Every-witness on victim side or her relatives are interested to see the accused behind the bar. Whether the report lodged against the family members of the accused has relevance or not is a matter of investigation. The Court has to go through the material placed before it for consideration.

8. The conduct of the victim has played a vital role. The first submission of the victim shows that she did not resist the applicant when they were going to Mumbai. The victim and

accused were apprehended on the Railway Station. Thereafter, the victim was in custody of her family members. Her statement shows that she had relationship with the applicant since prior to the alleged incident. It also reveals from the statement and facts of the case that the family of the victim was opposing their relationship. The possibility of pressurizing the victim to state against the accused can also not be ruled out. Record further reveals that there is no evidence of sexual assault. In the facts and circumstances of the case, the applicant deserves bail. However, to guard the apprehension of the prosecution of tampering with the witnesses, certain conditions may be imposed. Hence, the following order :-

ORDER

- (i) The application is allowed.
- (ii) Applicant Siddharth Maroti Sonkamble 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. 100 of 2022 registered with Bhokar Police Station, District Nanded for the offences punishable under Sections 363 376(1) read with Section 34 of the Indian penal Code and Sections 4 and 8 of the POCSO Act, 2012, on the conditions that

- (a) He shall not to enter village Savargaon Met taluka Bhokar, District Nanded, for a period of three months. However, he is allowed to enter Bhokar town, only for the purpose of attending the trial.
- (b) The applicant shall not tamper with the prosecution witnesses.
- (c) He shall support the prosecution for expediting the trial.

(S. G. MEHARE)
JUDGE

ysk