



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

930 BAIL APPLICATION NO. 296 OF 2024

SOMNATH DEVIDAS TAMBHORE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr. Shaikh Mazhar A. Jahagirdar.

APP for Respondent/S-State : Ms. D. S. Jape.

Advocate for Respondent No.2 : Mr. G. B. Patunkar (appointed  
Through Legal Aid).

...

CORAM : S. G. MEHARE, J.

DATE : 05.07.2024

**PER COURT :-**

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.

2. The applicant seeks bail in Crime No.1415 of 2023, registered with Tophkhana Police Station, District Ahmednagar, for the offences punishable under Sections 366-A, 376(2)(N), 354-A, 354-D, 506 of the IPC and Sections 4, 6, 8 and 12 of the POCSO Act.

3. Learned counsel for the applicant would submit that the victim and the applicant were in affair. He never forced her for sex. Out of love affair, they were going from one place to another. However, some dispute arose between them. Hence,

she lodged the false report. The victim was 16 years at the time of the incident. The applicant has no antecedents to his discredit. Hence, he may be granted bail.

4. Learned APP for the respondent-State and learned counsel for the victim would argue that the victim is a child under the POCSO Act. Hence, her consent is immaterial. The medical report supports the allegations levelled against the applicant. The offence is serious. The applicant may win over the victim. Hence, he may not be granted bail.

5. Perused the papers. The victim and the applicant were well acquainted with each other. They were regularly going out on the bike of the applicant. She was 16 plus. So, it is presumed that she was able to take the appropriate decision. There are signs of affair between them. Considering the facts in toto, the Court is of the view that further detention of the applicant would serve no purpose. However, the apprehension of the prosecution may be guarded by imposing certain conditions. Hence, the following order :

### **ORDER**

- (i) Bail Application is allowed.

- (ii) Applicant **SOMNATH DEVIDAS TAMBHORE** be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of like amount, on the following conditions :
- (a) The applicant shall not tamper with the prosecution witnesses.
  - (b) He shall not contact the victim in any mode or manner till conclusion of the trial.
  - (c) He shall attend the trial on each and every date.
- (iii) Leave granted to correct the name of the applicant forthwith.

**(S. G. MEHARE, J.)**

...

vmk/-