



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1010 APPLICATION FOR CANCELLATION OF BAIL NO. 39 OF
2024

XYZ

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicant : Mr. Hande Avinash D.

APP for Respondent/s-State : Ms P. R. Bharaswadkar.

Advocate for Respondent No.3 : Ms. Chincholkar Surekha G.,
Mr. G. N. Chincholkar.

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CORAM : S. G. MEHARE, J.

DATE : 19.07.2024

PER COURT :-

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

2. The accused has been granted bail in Crime No.888 of 2023, registered with Police Station Nanded Rural for the offences punishable under Section 376, 376(3) and 506 of the IPC and Sections 4, 6 and 8 of the POCSO Act by order dated 17.01.2024. The learned Sessions Judge while considering the bail application has considered the principles of granting bail in a serious offence like POCSO Act. The material placed before the Court was gone through. The age of the victim was also considered. However, the applicant has grievance that the

learned Additional Sessions Judge has erroneously considered the facts that there was a love affair of the victim with the accused. This may be an inference from the facts of the case.

3. The applicant has no information when the incident happened and how she returned home. The learned Additional Sessions Judge has passed the order in detail. It appears to be not a mechanical order. On the contrary, it reflects the application of mind. Once the bail is granted, it should not be mechanically rejected. Since the order is legally correct and proper, there are no grounds to call the order of the learned Additional Sessions Judge back and the application for cancellation of bail is devoid of merits, it stands dismissed.

4. No order as to costs.

(S. G. MEHARE, J.)

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vmk/-