



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

26 BAIL APPLICATION NO. 701 OF 2024

SANTOSH NARAYAN WAGHMARE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Latange Vijay Prabhakar Rao.

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

Advocate for Victim : Mr. Sarvesh J. Naik (absent).

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CORAM : S. G. MEHARE, J.

DATE : 01.07.2024

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.12 of 2024, registered with Pathari Police Station, District Parbhani, for the offences punishable under Sections 376(2)(i), 376(2)(j), 376(2)(n), 506 of the IPC and Sections 4, 6 and 8 of the POCSO Act.

3. The minor girl had lodged the report making allegations of sexual assault against the applicant. To counter the allegations, the applicant has a case that two FIR were registered against the family of the victim of the same date and prior to the FIR lodged alleging that they went at one place

where the applicant and other injured were present. They were assaulted on the suspicion that the applicant talk to the victim. The allegations of having sexual relation from one and half year before the incident have been made. Learned counsel for the applicant pointed out that there are no medical evidence to corroborate the allegations. There were no signs of force. Considering the facts of the case and absence of medical evidence of force and two different FIRs against the family members of the applicant, the applicant has good case on merits, though the victim has claimed that she was 13 years old at the time of the incident. There are suspicious circumstances that raises the doubt about the facts of the incident. The investigation has been completed. Nothing is to be recovered from the applicant. Hence, he deserves bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **SANTOSH NARAYAN WAGHMARE** 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) He shall not tamper with the prosecution witnesses.
- (b) He shall attend the trial on each and every date.
- (c) He shall not contact the victim till conclusion of the trial.

(S. G. MEHARE, J.)

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vmk/-