



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

BAIL APPLICATION NO.739 OF 2024

Samadhan S/o Ashok Chandanshiv,
Age-23 years, Occu:Labour,
R/o-Wadhe Bholai, Wagholi,
Pune, Dist-Pune.

...APPLICANT

VERSUS

- 1) The State of Maharashtra,
- 2) X Y Z

...RESPONDENTS

...
Mr. Vishal Raju Gadekar Advocate for Applicant.
Ms. P.J. Bharad, A.P.P. for Respondent-State.
Ms. Mayuri G. Kasturkar Advocate appointed through Legal Aid
Committee.

...

CORAM: S.G. MEHARE, J.

DATE : 13th JUNE, 2024

ORDER :

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant seeks bail in Crime No.0138 of 2024,

registered with Chikalthana Police Station, District – Chhatrapati Sambhajanagar, for the offence punishable under Section 363, 366(A) 376(2)(N) of the Indian Penal Code and Sections 4, 6, 8, 12 of the Protection of Children from Sexual Offences Act.

3. It is the case of brother in law and sister in law having sex.

4. Learned counsel for the applicant submits that the applicant is husband of elder sister of the victim, the victim was insisting that the applicant should marry her. The victim was about 17 years and 10 months old at the time of so-called offence. The possibility of consensual sex cannot be ruled out. Statement of the victim shows the alleged offence was the singular incident. Hence considering the facts and circumstances of the case and the period of detention, it would not be appropriate to keep applicant behind bars. Hence, the following order :

ORDER

(I) Bail Application is allowed.

(II) Applicant Samadhan Ashok Chandanshiv be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty

Thousand only) with one solvent surety of the like amount, in above crime, on the condition that:-

- (a) The applicant shall not tamper with the prosecution witnesses.
- (b) The applicant shall furnish his Adhar Card and Mobile Number with an undertaking that he shall not change the phone number till the conclusion of the trial.
- (c) The applicant shall attend the trial on each and every effective date.

(III) Ms. Mayuri G. Kasturkar is appointed by the High Court Legal Aid Services Sub Committee, Aurangabad to represent the cause of respondent No.2. Her Legal fees are quantified at Rs.5000/- to be paid by the High Court Legal Services Sub Committee, Aurangabad.

[S.G. MEHARE , J.]