



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.897 OF 2024

Yogesh s/o Vitthal Aher,
Age-23 years, Occu:Private Service,
R/o-Raypur, Tq-Gangapur,
District-Aurangabad

...APPLICANT

VERSUS

- 1) The State of Maharashtra,
Through Police Inspector,
Shillegaon Police Station,
Tq-Gangapur, Dist-Aurangabad,
- 2) X Y Z

...RESPONDENT

...
Mr. Manikrao L. Wankhade Advocate for Applicant.
Mr. S.D. Ghayal, A.P.P. for Respondent No. – State.
Mr. V.H. Pathade Advocate for Respondent No.2.
...

CORAM: S.G. MEHARE, J.

DATE : 27th JUNE 2024

ORDER :

1. Heard learned counsel for the applicant, learned APP for the State.

2. The applicant seeks bail in Crime No. 13 of 2024 registered with Sillegaon Police Station, District-Aurangabad for the offence punishable under Sections 376, 376(2)(n), 376(3), 366-A, 363, 109 read with Section 34 of the Indian Penal Cod and Section 4, 8, 12, 17 of the Protection of Child from Sexual Offences Act.

3. The applicant was 23 and the victim was around 16 at the time of incident. The facts of the case reveals that the victim and applicant had a love affair. They resided together for a sufficient time. She never resisted with the applicant. However, when the parents lodged the report and taken her custody, she made allegations against the applicant. It is a case of love affair. Considering the age of the victim, it appears that she was knowing the consequences of the acts she was doing. She was mentally grown up to take the appropriate decision. Now, she is safe in the custody of the parents. Investigation has been completed. In view of the facts of the case, it would not be appropriate to keep the applicant behind the bars.

4. For the above reasons, the following order is passed:-

ORDER

(I) Bail Application stands allowed.

(II) The applicant – Yogesh S/o Vitthal Aher 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 the above crime, on the condition that:-

(a) The applicant shall not contact the victim or her relatives in any manner till the conclusion of the trial.

(b) The applicant shall attend the trial on each and every effective date.

[S.G. MEHARE, J.]

asb/JUNE24