



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

BAIL APPLICATION NO.960 OF 2024

Ajay S/o Dnyanesh Pawale,
Age-20 years, Occu:Education/Labourer,
R/o-Karla, Tq-Umari, District-Nanded.

...APPLICANT

VERSUS

1) The State of Maharashtra,
Through Police Station Umari,
District-Nanded,

2) X. Y. Z.

...RESPONDENT

...
Mr. Ganesh P. Shinde Advocate for Applicant.
Mr. S.D. Ghayal, A.P.P. for Respondent – State.
Mr. Ankush D. Gade Advocate for respondent No.2 appointed
through legal aid.

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CORAM: S.G. MEHARE, J.

DATE : 30th JULY 2024

ORDER :

1. Heard learned counsel for the applicant, learned APP for the State and learned counsel for the victim.
2. The applicant seeks bail in Crime No. 33 of 2024 registered with Umari Police Station, District-Nanded, for the offence

punishable under Sections 363, 376 of the Indian Penal Code and Sections 4, 6 and 8 of the Protection of Children from Sexual Offences Act.

3. Learned counsel for the applicant would submit that the applicant and the victim, who was 16 years old at the time of incident, had love affair. She voluntarily asked the applicant to flee away and then went with him. After staying for some days, they both appeared before the police. Her statement before the police was free from allegations. However, under the pressure of her family, she changed her version. There are no allegations of sexual assault. He has no antecedents at his discredit. He may be granted bail.

4. Learned APP and the learned counsel for the victim strongly opposed the application. They would submit that the victim was minor at the time of incident. She has a case that the applicant blackmailed her under the threat of making indecent photographs public. Since she was blackmailed, she was forced to go away with him. The offence is serious. Hence, bail may not be granted.

5. Perused the papers. Reading the material placed before the Court, it reveals that the victim and applicant had love affair. There were no clear allegations against the applicant about the sexual assault. Possibility of pressurizing the victim by her parents cannot be ruled out. The overall facts of the case reveal that it was an act arising out of the love affair. Nothing is to be recovered from the applicant. On certain conditions, bail can be granted to him. Hence the following order:-

ORDER

- i) Bail Application stands allowed.
- ii) The applicant – Ajay S/o Dnyanesh Pawale 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 tamper with the prosecution witnesses.

(b) The applicant shall not contact the victim and her

family members in any mode or manner till the conclusion of the trial.

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

(iii) The Secretary, High Court Legal Services Sub-Committee, Aurangabad do pay the fees of learned Advocate Mr. Gade as per schedule.

[S.G. MEHARE, J.]

asb/JULY24