



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

BAIL APPLICATION NO. 967 OF 2024

AJAY SANJAY JADHAV
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. S. B. Surse
APP for Respondent No.1 : Mrs. D. S. Jape
Advocate for Respondent No.2 : Mr. U. S. Jadhav
...

CORAM : S. G. MEHARE, J.

DATE : 16-07-2024

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for respondent No.1 and the learned counsel for respondent No.2.
2. The applicant seeks bail in C.R.No.4 of 2024 registered with Mukundwadi Police Station, Ch. Sambhaji Nagar, for the offences punishable under Sections 376, 363, 354A, 354C, 354D of the Indian Penal Code and Section 4, 8, 12 of the Protection of Children from Sexual Offences (POCSO) Act.
3. The learned counsel for the applicant submits that in the supplementary chargesheet the victim has named the applicant. He submitted that the victim was 16 years old. She had made the false allegations against the applicant. She was never forced to

have sex. She is his close relative. Initially, he was not named, but in the supplementary statement, she disclosed the name of the applicant. He has been falsely implicated in the crime. No weapon has been used in the crime. The material investigation has been completed. His detention would serve no purpose.

4. Learned counsel for the victim submits that legal presumption is running against the applicant, since she is a child as defined under the POCSO Act. He referred to the statement of the victim and argued that she is a relative of the applicant. She knew him. He snapped her photographs and took video while doing sex and asked her to marry him. There are allegations of forcible sex against him. There are antecedents to the discredit of the applicant. The victim has been exploited under influence. There is apprehension to the life of the victim. Therefore, the applicant may not be granted bail. The similar were the arguments of the learned A.P.P.

5. Perused the papers.

6. In the first information report, there were no allegations against the applicant. Suddenly, the victim put forth a new story. The papers reveal that the statement of the victim was not consistent. However, there appears some consensual relationship. She went with the applicant and other co-accused. The offences registered against the applicant are not for the similar offences.

Therefore, that may not be a ground to refuse bail. The victim was 16 years old. Therefore, it can be presumed that she was mentally fit to take up appropriate decision. Further detention of the applicant would serve no purpose. Hence, the order :-

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant Ajay Sanjay Jadhav be released on bail on furnishing P.B. and S.B. of Rs.50,000/- with one solvent surety of like amount on the conditions that,
 - (a) He shall not tamper with the prosecution witnesses.
 - (b) He shall not contact the victim in any mode or manner till the trial is concluded.
 - (c) He shall attend the trial on each and every date.

**(S. G. MEHARE)
JUDGE**

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