



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

BAIL APPLICATION NO.1064 OF 2024

Devidas S/o Rama Gawalwad,
Age-22 years, Occu:Agri.,
R/o-At Post-Mujalga,
Taluka-Degloor, District-Nanded.

...APPLICANT

VERSUS

- 1) The State of Maharashtra,
Through Police Inspector,
Degloor Police Station,
Taluka-Degloor, District-Nanded,
- 2) X Y Z

...RESPONDENTS

...
Mr. Suresh S. Pidgewar Advocate for Applicant.
Mr. D.J. Patil, A.P.P. for Respondent No.1- State.
Mr.Shivanand D. Tekwad Advocate for Respondent No.2.
...

CORAM: S.G. MEHARE, J.

DATE : 20th 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. 0502 of 2023 registered with Degloor Police Station, Taluka-Degloor, District

Nanded, for the offence punishable under Sections 376(3), 354(D), 506 read with Section 34 of the Indian Penal Code with Section 4, 6, 12 and 17 of the Protection of Children from Sexual Offences Act (for short "the POCSO Act").

3. It is a strange case of serious allegations under POCSO Act. The applicant is a 22 years boy. It has been alleged that he committed forceful sex with the girl of 13 years. However, the medical evidence shows that the hymen of the victim was intact. In natural course if the incident was happened, considering her age she might have suffered serious injuries. In such circumstances, the bare statement of the victim may not be believed at this juncture. The applicant has a case of enmity. The report has been lodged two days after the incident. Considering the facts of the case, the prosecution appears to have no ground to oppose the bail application. Therefore, the applicant deserves bail. Hence the following order:-

ORDER

- i) Bail Application stands allowed.
- ii) The applicant – Devidas S/o Rama Gawalwad 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 other witnesses till the conclusion of the trial.

[S.G. MEHARE, J.]

asb/JULY24