



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

911 BAIL APPLICATION NO. 1183 OF 2024

GOPAL UKHA BHOI

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Adv. Agrawal Rani Kailas.

APP for Respondent-State : Mr. S. B. Pulkundwar.

Advocate for Respondent No.2 : Mr. Harshal P. Randhir.

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CORAM : S. G. MEHARE, J.

DATE : 07.08.2024

PER COURT :-

1. Heard the learned counsel for the applicant, learned APP for the respondent-State and learned counsel for the victim.

2. The applicant seeks bail in Crime No.183 of 2020, registered with MIDC Police Station, District Jalgaon, for the offences punishable under Sections 376(2)(N)(I), 448, 504, 506 of the IPC, Sections 4, 5(J)(ii), 6 and 8 of the POCSO Act and Sections 3(1)(W) and 3(2)(V) of the SC and ST (Prevention of Atrocities) Act.

3. At the time of incident, the victim was 15. Today, she appeared before the Court and filed an affidavit contending

that she wanted to marry the applicant. She had love affair with the applicant. Due to her consistent intercourse, she was pregnant. Since they were belonging to the different caste, her parents were strongly opposing their affair. She was forced to lodge a report. The present bail application is filed on her instructions. She wants to live with the applicant.

4. Learned APP would submit that the offence is serious. Filing affidavit is no ground to grant the bail.

5. Perused the application. This way or otherwise, the facts come before the Court that the applicant and the victim were in affair. Possibility of opposing them due to caste difference cannot be ruled out. That apart, the trial is pending since 2020 without any material progress. The applicant is incarcerated for more than four years without ensuring his fundamental right to speedy trial. The circumstances favours the applicant for bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **GOPAL UKHA BHOI** be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of

like amount, on the condition to attend the trial
on each and every date.

(S. G. MEHARE, J.)

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vmk/-