

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1213 OF 2024

Vikas Sominath Dhumal

VERSUS

The State Of Maharashtra And Another

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Advocate for Applicant : Mr. Shaikh Sohail Subhedar

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

Advocate for Respondent No.2 : Mr. C. V. Dharurkar (Appointed
Through Legal Aid)

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CORAM : S.G. MEHARE, J.

DATED : AUGUST 13, 2024

PER COURT:-

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.55 of 2022 registered with Pundliknagar Police Station, District Aurangabad for the offences punishable under Sections 363, 376, 376(2)(n), 109, 366, 342, 344 r/w 34 of the Indian Penal Code and Sections 4, 5(L), 6 and 17 of the Protection of Children From Sexual Offences Act.
3. It is an interesting case that the victim had an affair with one boy. She called him and flee away with him and went to the house of the present applicant. In the meantime, she disappeared the co-accused from the allegations. She started living with the applicant and his family. She was with his family for three months. However, it appears from the allegations that she was intending to marry the

applicant but his wife was not allowing her to marry. That may be the reason to make the allegations. However, her statement shows that she was willingly residing there. She never complained against the applicant. She was living there as the wife of the applicant. She never tried to flee away nor opposed the applicant when he was doing sex with her. Without making more comments on the conduct of the applicant, in one line it may be stated that the victim was very well aware of the effects of acts she was doing. Probably, the reason may be otherwise. The victim was more than 17 years at the time of the incident. She was mentally fit to take decision of her life. Nothing is to be recovered from the applicant. There appears no harm to the victim at the hands of the applicant. Hence, he deserve bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant, Vikas Sominath Dhumal, 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 conditions that;
 - (a) The applicant should not tamper with the prosecution witnesses and attend the trial on each and every date.
 - (b) The applicant should not contact the victim till the trial is concluded.

(3)

(iii) The Secretary, High Court Legal Services Sub-Committee, Aurangabad do pay the fees of the appointed counsel for respondent no.2/victim as per schedule.

(S.G. MEHARE, J.)