



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

34 BAIL APPLICATION NO. 1229 OF 2024

DNYANESHWAR @ MAULI HANUMANT DAMBE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Pokale Dnyaneshwar Bhaurao.

APP for Respondent-State : Mr. S. P. Sonpawale.

Advocate for Respondent No.2 to assist APP : Mr. Rupesh B.
Hake h/f Mr. R. B. Gite.

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CORAM : S. G. MEHARE, J.

DATE : 12.08.2024

PER COURT :-

1. Heard the learned counsel for the applicant, learned APP for the respondent-State and learned counsel for the victim/respondent No.2.

2. The applicant seeks bail in Crime No.19 of 2024, registered with Wadwani Police Station, District Beed, for the offences punishable under Sections 376, 376(2)(i)(j), 323, 506 of the IPC and Sections 4, 8 and 12 of the POCSO Act.

3. The serious allegations have been levelled against the applicant that the applicant took the victim forcibly under the threat to kill her friend. He took her to the lodge and told her that it was the house of his maternal uncle. He did forceful sex

with her. The FIR reveals that the incident happened on 23.01.2024. However, the report was lodged on 02.02.2024.

4. Learned counsel for the applicant has produced the WhatsApp chat and photographs of the applicant with the victim. He has vehemently argued that the report is filed with some ulterior motive. She never disclosed to the police about her affair with the applicant.

5. For the first time, the applicant brought to the notice that the victim has suppressed the material facts of having affair with the applicant. The photographs and WhatsApp chat were supplied to the learned counsel for the victim and the learned APP. They stated that they have to verify that the said photographs whether it was of the victim.

6. The learned counsel for the victim sent those photographs and WhatsApp chats to her parents on his WhatsApp, but they did not reply.

7. The victim was 16 years old at the time of the incident. However, the facts of having affair with the applicant have been deliberately suppressed. Considering the age of the victim, it appears that she was able to take an appropriate decision about the acts done by her. Nothing is to be recovered

from the applicant. There are no antecedents of the sexual assault to his discredit. In the facts and circumstances, the Court is of the view that the applicant deserves bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **DNYANESHWAR @ MAULI HANUMANT DAMBE** 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 following conditions :
 - (a) The applicant should not tamper with the prosecution witnesses.
 - (b) He should attend the trial on each and every date.
 - (c) He should not contact the victim till the trial is concluded.

(S. G. MEHARE, J.)

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vmk/-