



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

929 BAIL APPLICATION NO. 1510 OF 2024

ROHAN RAJENDRA BALID

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicant : Mr. Shekade Shashikant E
APP for Respondents-State : Mr. S. B. Pulkundwar.
Advocate for Respondent No.3 : Mr. Mohammed Amir
(Appointed Through Legal Aid).

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CORAM : S. G. MEHARE, J.

DATE : 27.09.2024

PER COURT :-

1. Heard the learned counsel for the applicant, learned APP for the respondents-State and learned counsel for respondent No.3.
2. The applicant seeks bail in Crime No.382 of 2024, registered with Shevgaon Police Station, District Ahmednagar, for the offences punishable under Sections 363, 354-A of the IPC and Sections 8 and 12 of the POCSO Act.
3. It has been alleged against the applicant that he and his friend took the victim from lonely place. His friend left that place. The applicant promised her to leave her at home, but he did not. They spend night over there. During that time, the applicant outraged her modesty. On the next day, the parents

of the applicant came and they took her to the Police Station. Thereafter, the crime was registered.

4. The applicant has a case as argued for him that the applicant and the victim had a love affair and she voluntarily went with him. However, he did not outraged her modesty. Since her parents learnt about their relationship, she was forced to state against the applicant. He has shown some photographs and the WhatsApp chat between them. The applicant is languishing in jail since the month of May 2024. He is a young boy of 20 years old having no antecedents. Hence, he may be granted bail.

5. Learned APP has strongly objected the application. He would submit that the victim was a minor. Therefore, the *prima facie* offence is made out. He has outraged the modesty of the victim even she was opposing him.

6. Learned counsel for the victim has strongly opposed the application. He would submit that considering the date of birth of the victim, she was 11 years 11 months old. Therefore, her consent is immaterial. He would submit that the victim has an apprehension from the applicant that he would repeat the crime. He may not be granted bail.

7. Considering the submissions of both the sides, it is to be tested that the victim has in relation with the applicant. However, documents placed on record *prima facie* shows that she was knowing the applicant well. No injury was caused to her. The applicant is a young boy having no antecedents. The trial may take its time. Therefore, it would be inappropriate to detain him for uncertain period. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **ROHAN RAJENDRA BALID** be released on bail on furnishing PB. 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 not contact the victim in any mode or manner till the trial is concluded.
 - (c) He should attend the trial on each and every effective date.
- (iii) The Secretary, High Court Legal Services, Sub-Committee, Aurangabad do pay the legal fees to

advocate Mr. Mohammed Amir as per the
schedule.

(S. G. MEHARE, J.)

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vmk/-