



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

932 BAIL APPLICATION NO. 1645 OF 2024

RAVINDRA DNYANESHWAR GAIKWAD

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Surse Sunil B.

APP for Respondent/State : Mr.A.S. Shinde

Advocate for Respondent no.2 : Mr.Ashok Mundhe (Appointed Through
Legal Aid)

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CORAM : S. G. MEHARE, J.

DATE : 18th October, 2024.

P.C.:

1. Heard the learned counsel for the applicant, the learned APP for the respondent-State and the learned counsel the victim.
2. The applicant seeks bail in Crime No.35 of 2023 registered with police station Virgaon, for the offences punishable under sections 363, 376(2)(N), 376(3), 366(A) of the Indian Penal Code and sections 4 and 6 of the Protection of Children from the Sexual Offences Act.
3. The applicant and the victim are cousins. The victim is parental sister of the applicant. Initially, she had stated that the applicant took her to another place and they were residing there. The applicant allured her that her parents would marry her with another boy. Hence, they should flee away. They went to Savangi. They were residing there. In that place, they had sexual relations. However, in her statement under section 164 of the Criminal Procedure Code, she has taken complete U- turn and did not state anything against the

applicant.

4. The learned counsel for the victim would submit that possibility of pressurizing the victim not to state against the applicant cannot be ruled out, because they are the close relatives. The mother of the victim might have convinced her because the accused is son of her brother.

5. The medical report is also not supporting the substantial allegations. As per her birth certificate, she was below 13 years at the time of incident. The applicant and victim are close relatives. Her substantial statement before the Magistrate does not support the earlier allegations. Hence, the applicant deserves bail. Hence, the following order:

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant RAVINDRA DNYANESHWAR GAIKWAD 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, in the above crime, for the aforesaid offences, on the following conditions :

(a) The applicant should not tamper with the prosecution witnesses.

(b) He should not contact the victim till the trial is concluded.

(c) He should attend the trial on each and every date and co-operate with the Trial Court to conclude the trial.

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

(S.G. MEHARE, J.)

sga