

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1869 OF 2024

Shubham Vittal Dhanwate

VERSUS

The State Of Maharashtra

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Advocate for Applicant : Mr. C.C. Deshpande h/f Mr. Rathi Suyog
Shyamsundar

APP for Respondent/State : Mr. A.A.A. Khan
Advocate for Respondent No.2 : Mr. V.S. Wakale

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CORAM : S.G. MEHARE, J.

DATED : OCTOBER 22, 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.915 of 2023 registered with MIDC Waluj Police Station, District Aurangabad for the offences punishable under Sections 363, 366(A), 376(2)(n)(i) r/w 34 of the Indian Penal Code and Sections 4, 8, 12 and 17 of the Protection of Children From Sexual Offences Act.
3. The prosecution case is that the applicant did forceful sex with the victim who was 15 years old at the time of the incident. The applicant has a case that the victim stayed with him for reasonable time. Her statement reveals that she was not consistent as regards the allegations. The counsel for the victim submits that now the

victim has realized her mistake. Hence, she has no objection to grant him bail. He would submit that she is now 17 years old and able to take appropriate decision.

4. Considering the statement of the victim under Section 164 of the Criminal Procedure Code which is inconsistent to the statement under Section 161 of the Criminal Procedure Code, hence, the applicant deserve bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant, Shubham Vittal Dhanwate, 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 should attend the trial on each and every date.
 - (b) The applicant should not contact the victim till the trial is concluded.

(S.G. MEHARE, J.)