



**IN THE JUDICATURE OF HIGH COURT AT BOMBAY  
BENCH AT AURANGABAD**

**923 BAIL APPLICATION NO. 90 OF 2025**

Vishal Baburao Koli

VERSUS

The State Of Maharashtra And Another

...

Advocate for Applicant : Mr. Kazi Rahil Riyazoddin

APP for Respondents-State: Mr. N. D. Batule

Advocate for Respondent No.2:Ms.Sangita Desarda (Appointed Thr.Legal Aid)

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**CORAM : ARUN R. PEDNEKER, J.**

**Dated : July 10, 2025.**

**PER COURT :-**

1. Heard the learned Counsel for the applicant, the learned APP for the respondent-State, and the learned appointed Counsel for respondent No.2.
2. The applicant is seeking bail as he was arrested in connection with FIR No.383/2023, dated 21/09/2023, registered with Amalner Police Station, District Jalgaon, for the offences punishable under Sections 376(2)(n), 376, 506 of the *Indian Penal Code* and Sections 4, 5(L), and 6 of the *Protection of Children from Sexual Offences Act, 2012 (POCSO Act)*.
3. It is alleged in the FIR that the applicant entered the house of the victim without permission on multiple occasions after the accident of the victim's father, who was then admitted to the hospital for treatment, and while the victim's mother was attending to him. During this period, the applicant is alleged to have committed sexual intercourse with the victim by threatening to cause harm to her brother.
4. The learned Counsel for the applicant submits that the applicant was 19 years old at the relevant time and the victim was 14 years old. The

applicant was arrested on 03/10/2023 and has remained in custody since then. It is submitted that *prima facie*, considering the long-standing relationship between the applicant and the victim, and the fact that the victim is now pregnant, it indicates the possibility of a consensual relationship.

5. The learned APP and the learned appointed Counsel for the victim submit that the applicant forcibly entered the victim's house and maintained physical relations with her, and they oppose the grant of bail.

6. Considering the rival submissions, and also taking into account that the applicant has been in custody since 03/10/2023, i.e., for nearly two years, and further considering the long-standing relationship between the parties, the possibility of consensual relations cannot be ruled out. The consequences of the action of the applicant will visit him at the end of trial. The applicant has no antecedents. In the totality of circumstances, the applicant deserves to be released on bail.

7. In view of the above, the application is allowed on the following terms: -

**a]** The applicant shall be released on bail in connection with FIR No.383/2023, dated 21/09/2023, registered with Amalner Police Station, District Jalgaon, for the offences punishable under Sections 376(2)(n), 376, 506 of the *Indian Penal Code* and Sections 4, 5(L), and 6 of the *POCSO Act*, on furnishing a PR bond of ₹25,000/- with one or two sureties in the like amount, to the satisfaction of the trial Court.

**b]** The applicant, upon being released on bail, shall not contact the informant in any manner whatsoever during the pendency of the trial.

**c]** The applicant shall cooperate with the trial Court and shall attend each and every hearing, unless specifically exempted by the trial Court.

**d]** The applicant shall not tamper with the prosecution evidence and shall not influence the informant, witnesses, or any other persons concerned with the case.

**e]** Upon release, the applicant shall place on record before the trial Court his contact number and residential address and shall promptly update the same in case of any change.

8. Needless to state, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled. It is also clarified that the observations made herein are confined to the disposal of the present bail application. The trial Court shall proceed in the matter uninfluenced by any observations made in this order.

9. The fees of the appointed Advocate for respondent No.2 is quantified at Rs.10,000/- (Rupees Ten Thousand only), to be paid by the High Court Legal Services Sub-Committee, Aurangabad.

10. The application stands disposed of.

( ARUN R. PEDNEKER, J. )

*vj gawade/-.*