



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

956 BAIL APPLICATION NO. 768 OF 2025

MAYUR CHANDRAKANT ZODGE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Deshmukh Anand I.
APP for Respondent/State: Ms. P. V. Diggikar
Advocate for Respondent No.2 :
Ms. Sayali Tekale (*Appointed*)

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CORAM : ARUN R. PEDNEKER, J.

DATE : 13.08.2025

P.C. :

1] Heard learned counsel for the applicant, the learned APP for the respondent-State and the learned counsel for respondent no.2.

2] The applicant is seeking bail as he was arrested on 21.08.2024 in connection with Crime No.0203/2024, dated 04.05.2024, registered with Chalisgaon Police Station, District Jalgaon, for the offences punishable under Sections 363 of the Indian Penal Code, 1860 & Sections 376(2)(n), 323, 506 of the Indian Penal Code, 1860 & Sections 4, 6, 8, 12, 17 of the Protection of Children from Sexual Offences Act, 2012.

3] Initially, case of kidnapping was registered

against the applicant and others by the mother of the victim. It is stated the girl / victim aged is 16 years 4 months was kidnapped by the present applicant. It is stated that, thereafter, about 3½ months later, the victim was found in the company of the applicant. Victim's statement was recorded and, thereafter, offences under the POCSO Act, so also, under the IPC for sexual assault are invoked against the applicant and other co-accused. The FIR is registered on 04.05.2024 and the applicant is arrested on 20.08.2024. Investigation is completed and charge-sheet is filed in the matter.

4] The learned counsel for the applicant submits that there were consensual relations between the parties. Investigation is completed and charge-sheet is also filed and he is behind the bars for about 1 year and that the applicant may be enlarged on bail.

5] Per contra, the learned APP submits that for the offence of POCSO, consensual relations is of no consequence. The offence is grave and serious and that the victim has also stated that she has maintained physical relations with the applicant. She has taken me through the history narrated by the victim to the Doctor. Her statement so also history narrated to the Doctor, wherein she has mentioned that the applicant has maintained physical relations with the victim in the month of May. She has

stated that the victim eloped with the accused as she was in love relations. The victim has mentioned to the Doctor that she had maintained physical relations with the applicant lastly on 07.05.2024.

6] Having considered the rival submissions of the parties, investigation in the matter is complete. The applicant is behind the bars for about 1 year. The allegations made will have to be proved during the course of trial. The offence under POCSO Act is serious in nature but, at this stage, as the applicant would not be threat to the society, bail can be granted to the applicant.

7] In view of the above, the application is allowed in the following terms :

a] The applicant shall be released on bail in connection with Crime No.0203/2024, dated 04.05.2024, registered with Chalisgaon Police Station, District Jalgaon, for the offences punishable under Sections 363 of the Indian Penal Code, 1860 & Sections 376(2)(n), 323, 506 of the Indian Penal Code, 1860 & Sections 4, 6, 8, 12, 17 of the Protection of Children from Sexual Offences Act, 2012, on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

b] The applicant shall not communicate with the victim and, also, shall not enter Chalisgaon city during pendency of the trial.

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

d] The applicant shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court.

e] The applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses and other persons concerned with the case.

f] The applicant, upon being released on bail, shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.

8] Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled.

9] It is also clarified that the observations made in this order are limited to the disposal of the present bail

application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

10] Ms. Sayali Tekale, learned appointed counsel for the victim / respondent no.2 shall be paid fees of Rs.10,000/- by the High Court Legal Services Sub-committee, Aurangabad.

11] The application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE

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