



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

929 BAIL APPLICATION NO. 959 OF 2025

DATTA KACHRU JUMBADE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Applicant : Mr. Shinde Dhananjay M.

APP for Respondent/State: Mr. G. O. Wattamwar

Advocate for Respondent No.3 : Ms. Aishwarya C. Deshpande

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CORAM : ARUN R. PEDNEKER, J.

DATE : 29.07.2025

P.C. :

1] Heard learned counsel for the applicant and the learned APP for the respondent-State.

2] The applicant is seeking bail as he was arrested on 17.02.2025 in connection with Crime No.0023/2025, dated 15.02.2025, registered with Narsi Police Station, District Hingoli, for the offences punishable under Sections 64(2)(I), 69, 89 of the Bharatiya Nyaya Sanhita, 2023 along with Sections 4, 5(J)(2), 6 of the POCSO Act.

3] The information is lodged by the victim against the applicant that she was knowing the applicant and thereafter the applicant had proposed her to which she has refused and thereafter they were speaking on phone for some time. It is stated that they were in relations. At the

relevant time the victim was aged 16 years and the applicant was aged around 20 years. It is stated that the applicant and the victim were in relations and the victim conceived and got pregnant and she has intimated the same to the applicant. The applicant however, gave pills to abort the same. On consuming the pills the conceived pregnancy is aborted and when she went to the doctor there the sample of the fetus was taken and she filed complaint against the applicant stating therein that there was forcible relations maintained by the applicant and that she has conceived on account of physical relations of the applicant and the applicant has aborted the same by giving her pills and as such offence is registered.

4] The applicant is arrested on 17.02.2025 and that investigation in the matter is complete and charge-sheet is filed. The trial may take substantial time to conclude. Consent is not material for offence of penetrative sexual assault on minor. However, considering that the applicant was in relation and that his presence before the trial court can be secured for trial. There is little possibility that the applicant may run away as he is not a hardened criminal.

5] 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.0023/2025, dated 15.02.2025, registered with Narsi Police Station, District Hingoli, for the offences punishable under Sections 64(2)(I), 69, 89 of the Bharatiya Nyaya Sanhita, 2023 along with Sections 4, 5(J)(2), 6 of the POCSO Act, 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 remain present before the trial court on every date and shall not seek unnecessary adjournment before the trial court.

In case of two consecutive absence of the applicant, the trial court would be entitled to send the applicant in jail.

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.

6] 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.

7] 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.

8] Ms. Aishwarya C. Deshpande, learned counsel appointed for respondent no.3 shall be paid fees of Rs.10,000/- by the High Court Legal Services Sub-committee, Aurangabad.

9] The application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE