



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

1071 BAIL APPLICATION NO. 1354 OF 2025

MANOHAR ALIAS MANOJ DEVIDAS RATHOD
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr. Sudarshan Salunke, h/f Mr. Namdev S. Shinde.
APP for Respondent/State : Mr. K. K. Naik.
Advocate for Respondent No.2 : Mr. Yogesh G. Birajdar.

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CORAM : **SANJAY A. DESHMUKH, J.**

DATE : 04th September, 2025.

P.C.:

1 Heard.

2 This is an application for grant of regular bail in connection with Crime No.217 of 2025, registered at AUSA Police Station, District Latur, for the offences punishable under Sections 64(2)(i), 64(2)(m), 351(2) and 351(3) of the BNS, under Sections 4, 8 and 12 of the POCSO Act and under Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3 Mr. Yogesh G. Birajdar, learned counsel tenders *Vakalatnama* on behalf of respondent No.2 in this matter. It is accepted.

4 The learned counsel for the applicant pointed out the report in which the informant / victim girl averred that she was 17 years and 3 months old. Her sister and the husband of her sister were serving as agricultural labourers in the agricultural land of the applicant. The applicant, who belongs to the Banjara caste, used to come there and sometimes used to sleep there. About seven months prior to the lodging of the report, the applicant stayed there. He called the informant outside of the house and told her that they would live as husband and wife. Thereafter, physical relations were developed between the applicant and the informant. The applicant threatened her and forcibly committed sexual intercourse with her for 2-3 times. However, she did not inform that incident to any of her relatives. On 29th May, 2025, the informant suffered by stomach pain. She had not received her menstrual cycle from the month following the said incident. Therefore, she disclosed the entire incident to her mother. She was taken to a doctor. Upon examination, the doctor diagnosed and informed that she is six months pregnant. Thereafter, the report was lodged.

5 The learned counsel for the applicant submitted that the applicant is falsely implicated in the crime. Though the informant may be treated as a child under the strict sense of the POCSO Act, at the

time of incident, the informant was of an age of understanding. He further submitted that the investigation is over. The applicant has roots in the society and he will not flee away from the trial. The trial will take long period. It is lastly prayed to allow the application.

6 The learned APP for the State and Mr. Yogesh G. Birajdar, learned counsel for respondent No.2 strongly opposed the application and submitted that the applicant is involved in the serious crime. They submitted that the victim girl is below 18 years of age. They also pointed out her statement recorded under Section 164 of the Cr.P.C alongwith the report of medical examination of the victim girl. They submitted that if the applicant is released on bail, he will pressurize the prosecution witnesses and tamper with the evidence. It is lastly prayed to reject the application.

7 Perused the charge-sheet, particularly, the report and the statements of witnesses as well as the medical examination report of the informant/victim girl. The investigation is over and charge-sheet has been filed. The informant was 17 years and 3 months old at the time of incident. She was of the age of understanding. The case appears to be a love affair. The informant did not lodge the report immediately after the incident.

8 It would be relevant to rely upon the authority of this Court in the case of ***Sunil Mahadev Patil Vs. The State of Maharashtra***, reported in, ***2015 SCC OnLine Bom 6204***, in which the learned Single Judge of this Court at the Principal Seat, in paragraph No.11 held as under:-

"11. Today teenagers are exposed to more sex related issues and lot of material is also available to them to know the sexual relationship between a man and a woman. Because of their impressionable age, girls and boys both may tend to get provoked and there can be a curious and very compelling demand of the body to get into such kind of relationship. Sexual urge differs from person to person and there cannot be any mathematical formula in respect of sexual behavioral pattern of teenagers, as biologically whenever the child turns into puberty, the child starts understanding his or her sexual needs. The nature of response depends on the upbringing, peer pressure, how civilized the environment is etc. Sex requires proper physical and emotional preparation, as it results in many physical and emotional consequences. This is all considered as a sexual maturation. Therefore, some sects with view to regularize sexual behaviour of the community have acknowledged this biological factor and therefore, the early age marriages are performed in some religions or communities. Taking into consideration this social and biological factors, the law makers have considered the age of 15 as a age of consent when the marriage is

performed. Taking into consideration this background, the trial Judge has to pass an order of bail in such cases."

9 Considering the facts and circumstances of the case, the applicant has roots in the society and he will not flee away from the trial, the trial will take a long period as well as the law laid down in the authority of ***Sunil Mahadev Patil*** (supra) so also on the cardinal principle of bail that bail is rule and jail is exception, the application deserves to be allowed on certain conditions. Hence, the following order:-

ORDER

- I. The application is allowed.
- II. The applicant in connection with Crime No.217 of 2025, registered at AUSA Police Station, District Latur, for the offences punishable under Sections 64(2)(i), 64(2)(m), 351(2) and 351(3) of the BNS, under Sections 4, 8 and 12 of the POCSO Act and under Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, be released on bail on furnishing personal bond of Rs.50,000/- with surety of the like amount on following conditions:-
 - a) The applicant shall not pressurize the prosecution witnesses, in any manner.

- b) The applicant shall not tamper with the prosecution evidence, in any manner.
- c) The applicant shall not enter into AUSA Road, Taluka and District Latur and shall also not enter the area where the informant or her family members reside, till the conclusion of the trial.

[SANJAY A. DESHMUKH, J.]

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