



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

930 BAIL APPLICATION NO. 1465 OF 2025

YOGESH RAJENDRA ALIAS RAJU DALVI
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Majit S. Shaikh.
APP for Respondent / State : Mr. R. S. Wani.
Advocate for Respondent No.2 : Ms. Sonali G. Somwanshi. (Appointed)

...

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

DATE : 26th September, 2025.

P.C.:

1 Heard.

2 The bail application is filed for granting regular bail in connection with Crime No.238 of 2025, registered at Shrirampur Taluka Police Station, District Ahilyanagar, for the offences punishable under Sections 137(2) and 64 of the Bharatiya Nyaya Sanhita, 2023 and under Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

3 The learned counsel for the applicant pointed out the report and the statement of the prosecutrix, in which it is averred that she was having love affair with the applicant. Therefore, her parents were scolding her. Once she went to the college and keeping the

anger in the mind about the scolding by her parents, she made a phone call to the applicant and went with him. There, physical relationship took place between the prosecutrix and the applicant for two-three times. The report was lodged by her mother. Thereafter, the applicant was arrested.

4 The learned counsel for the applicant submitted it is a case of consensual sex and it is effect of love affairs. The applicant has not committed forcible sexual assault on the victim. Investigation is completed and the charge-sheet has been filed. 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.

5 The learned APP for the State and the learned appointed counsel for respondent No.2 strongly opposed the application and pointed out the medico legal certificate / report of the medical examination of the prosecutrix, in which she has stated the alleged incident. It is submitted that the prosecutrix is 16 years 8 months old child and therefore, her consent in the eyes of law is not legal consent. The incident took place at the house of the applicant. Considering all these reasons, it is lastly prayed to reject the application.

6 Perused the charge-sheet, particularly, the report and the

statement of the prosecutrix recorded by the police as well as the statement recorded before the Judicial Magistrate First Class under Section 183 of the BNSS, which shows that the sexual intercourse took place in the house of the applicant for three times and thereafter, the applicant is arrested, which shows that it was not forcible act on the part of the applicant. It is result of the love relationship between the prosecutrix and the applicant. Therefore, as per the law laid down in the case of ***Sunil Mahadev Patil Vs. The State of Maharashtra, in Bail Application No.1036 of 2015***, decided on 3rd August, 2015, the application deserves to be allowed.

7 The applicant has roots in the society and he will not flee away from the trial. The trial will take long period. In such circumstances, the application deserves to be allowed on the principle that bail is rule and jail is exception, on certain conditions. Hence, the following order:-

ORDER

- I. The application is allowed.
- II. The applicant in connection with Crime No.238 of 2025, registered at Shrirampur Taluka Police Station, District Ahilyanagar, for the offences punishable under Sections 137(2) and 64 of the Bharatiya Nyaya Sanhita and under Sections 4, 8 and 12 of the Protection of Children

from Sexual Offences Act, be released on bail on furnishing personal bond of Rs.25,000/- with surety of the like amount on following conditions:-

a) The applicant shall not pressurize the prosecution witnesses and tamper with the prosecution evidence, in any manner.

III. The fees of Ms. Sonali G. Somwanshi, learned counsel appointed to represent the cause of respondent No.2 be paid through the High Court Legal Services Sub-Committee, Aurangabad as per Rules and schedule.

[SANJAY A. DESHMUKH, J.]

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