



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1500 OF 2025

BALU ALIAS BALYA JALINDER SHINDE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Sunil B. Surse
APP for Respondents-State : Mr. S. G. Sangle
Advocate for Respondent No. 2 : Mr. Swapnil M. Mule (Appointed)
...

CORAM : SACHIN S. DESHMUKH, J.

Date : 1st December, 2025

ORDER :-

1. The applicant has approached this Court seeking regular bail in connection with FIR bearing Crime No. 19 of 2024 registered with Gangapur Police Station, for the offences punishable under Sections 363, 376 and 376(3) of the Indian Penal Code and Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. Heard the learned counsel for the applicant and learned APP for the State.

3. Initially, the FIR was lodged at the instance of mother of the victim in relation to an offence under Section 363 of the IPC against unknown person. Subsequently, the statement of the

victim came to be recorded by the police wherein it is stated that the victim was in relation with accused No. 1 and used to have conversation on mobile. After realising the same, the mother of the victim refrained the victim. Resultantly, the victim left the house and joined the company of accused. During the brief period, the accused No. 1 and 2 allegedly committed sexual intercourse with the victim at a lodge. On the basis of said statement, the aforesaid offences came to be registered against the accused.

4. The statement of the victim indicates that she had left the house at her own volition and accompanied the accused. Thereafter, the victim remained in the company of the accused and the said statement does not contain the allegation of force or compulsion.

5. As such, the victim consciously participated in the act, shows that the victim was aware of the consequences of her actions. Thus, the factual matrix of the case does not reflect any active inducement or coercive conduct on the part of accused.

6. Apart from the aforesaid aspect, the investigation of the case has been completed and eventually the charge-sheet is

also filed. Moreover, the age of accused is 23 years and has no criminal antecedents. Thus, no fruitful purpose would be served by keeping the accused behind the bars for indefinite period.

7. Keeping in view the peculiar facts and circumstances of the case, the right to liberty of the applicant needs to be upheld by imposing stringent conditions. In that view of the matter, the applicant deserves to be released on bail.

8. The High Court Legal Services Sub-Committee, High Court Bench at Aurangabad, to pay the fees to the learned counsel appointed on behalf of respondent No. 2, as per rules.

9. Resultantly, following order is passed :-

ORDER

(I) Application is **allowed**.

(II) Applicant – Balu @ Balya Jalinder Shinde be released on regular bail on furnishing P.R. bond of Rs. 50,000/- (Fifty Thousand Only) with one or two local solvent sureties in the like amount, in connection with Crime No. 19 of 2024 registered with Gangapur Police Station, for the offences punishable under Sections 363, 376 and 376(3) of the Indian Penal Code and Sections 4, 8 and 12 of the Protection of Children

from Sexual Offences Act, 2012, on the following conditions :-

- (a) The applicant shall attend each and every date of the Trial Court, unless exempted by the Trial Court.
- (b) The applicant shall not enter into the village Nawapur, Tq. Gangapur, Dist. Chhatrapati Sambhajnagar, till conclusion of trial.
- (c) The Applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
- (d) The applicant shall submit his Aadhar and Pan Card to the Investigation Officer and detailed addresses and phone numbers of applicant and two of the near relatives.
- (e) In case of breach of any of the conditions by the applicant, it is open for the Prosecution to move this Court seeking cancellation of bail.

(SACHIN S. DESHMUKH, J.)

Omkar Joshi