



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

914 BAIL APPLICATION NO. 2327 OF 2024

BALASAHEB @ BALAJI DEVRAO HARKAL

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicant :

Ms. Neha Udawant h/f. Mr. Salunke Sudarshan J.

APP for Respondent/State: Mr. B. B. Bhise

Advocate for Respondent No.3 : Ms. Yugandhara Namde

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CORAM : ARUN R. PEDNEKER, J.

DATE : 08th JANUARY, 2025

PER COURT:

1] Heard Ms. Neha Udawant holding for Mr. Salunke Sudarshan J., learned counsel for the applicant, Mr. B. B. Bhise, learned APP for the respondent-State and Ms. Yugandhara Namde, learned counsel for respondent no.3.

2] The applicant is seeking bail as he was arrested on 28.09.2024 in connection with Crime No.266/2024, dated 14.08.2024, registered with Kandhar Police Station, District Nanded, for the offences punishable under Sections 137(2), 64, 64(m), 69, 3(5) of BNS & under Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

3] The learned counsel for the applicant points out that bail has been granted to the main accused Sonu, so also, Tukaram. As regards the applicant is concerned, she submits that the applicant is in

jail from 28.09.2024 and further custody is unwarranted in the facts of this case. She has taken me through 164 statement of the victim. On perusal of the same, it seems that there was no sexual relations between the applicant the victim.

4] Considering the same and all other aspects, i.e. the relations have been consensual and there is no allegation of sexual assault made against the applicant, the application needs to be allowed.

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.266/2024, dated 14.08.2024, registered with Kandhar Police Station, District Nanded, for the offences punishable under Sections 137(2), 64, 64(m), 69, 3(5) of BNS & under Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, on furnishing PR bond of Rs.15,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

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

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

d] 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.

e] 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. Yugandhara Namde, learned counsel appointed by this court to represent the cause of respondent no.3, shall be paid fees of Rs.10,000/- by the High Court Legal Aid Services Sub-committee, Aurangabad.

9] The application stands disposed of.

[ARUN R. PEDNEKER, J.]