



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

949 BAIL APPLICATION NO. 310 OF 2025

JITENDRA NARAYAN SAINDANE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mrs. Agrawal Rani Kailas

APP for Respondent/State : Mr. P.P. Dawalkar

Advocate for Respondent 2 : Mr. Susmita Dound (appointed)

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CORAM : ARUN R. PEDNEKER, J.

DATE : 25/06/2025

P.C. :

1. Heard the learned counsel for the applicant, the learned APP for respondent-State and Mrs. Susmita Dound, learned counsel appointed for respondent No. 2.
2. The applicant is seeking bail as he was arrested in connection with Crime No. 167/2024 dated 28.5.2024 registered with Jalgaon Taluka Police Station, District Jalgaon for the offence punishable under section 363, 376(2)(n), 366(A) of I.P.C. and sections 4 and 6 of the Protection of Children From Sexual Offences Act, 2012.
3. The crime of kidnapping is registered by the father of the victim against unknown person. At the relevant time, the victim was of 17 years 7 months old. Later on the victim was traced in the company of the applicant and after recording statement of victim under section 164 of Cr.P.C. crime is registered against the applicant for aforesaid offence. In the statement given by the victim under section 164 of Cr.P.C., it is stated that on 27.5.2024 the victim had travelled with the applicant on the misrepresentation made by the applicant that the applicant will leave the

victim to the field where mother of the victim was working. It is stated that thereafter under the threat the victim had travelled with the applicant at various places, victim along with applicant has stayed in rented room at Shegaon till 9.7.2024 and during that period applicant had forceful sexual intercourse with the victim. When the police traced the victim, her above statement was recorded and the crime is registered for aforesaid offences.

4. The learned counsel for the applicant submits that the applicant is arrested on 10.10.2024 and since then he is behind bars. Chargesheet in the matter is filed. At the relevant time the victim is of 17 years and 7 months old and having age of understanding. The learned counsel for the applicant submits that the father of the victim had performed the marriage of victim twice before this incident and the learned counsel has produced some documents to that effect. The learned counsel therefore prays that considering all the above, regular bail can be granted to the applicant.

5. The learned APP submits that due to forceful sexual intercourse by the applicant, the victim was pregnant and at the relevant time she was minor, having age of 17 years 7 months. The applicant is married and has two sons. The learned APP submits that DNA sample of the foetus has been taken and sent for examination and the DNA report is yet not received. The learned counsel appointed for respondent No. 2 submits that the bail may not be granted to the applicant as the applicant had forceful sexual intercourse with the victim under the threat, who is minor girl. The learned APP as well as the learned counsel appointed for respondent No. 2 therefore prays to dismiss the bail application of the applicant.

6. From the statement of victim, prima facie, it appears that at the relevant time, the victim was 17 years and 7 months old and she is having

the age of understanding. The victim has stayed with the applicant for about two and half months. The applicant is in custody from 10.10.2024. The trial may take some time to conclude, therefore, no purpose would be served by keeping the applicant behind bar till the conclusion of the trial. Hence, I hold that regular bail can be granted to the applicant.

7. 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. 167/2024 dated 28.5.2024 registered with Jalgaon Taluka Police Station, District Jalgaon for the offence punishable under section 363, 376(2)(n), 366(A) of I.P.C. and sections 4 and 6 of the Protection of Children From Sexual Offences Act, 2012, 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, 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, for reasons to be recorded in writing.
- 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.

8. 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.

9. 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.

10. Legal Services Sub-Committee, Aurangbad shall pay fees of Rs.10,000/- to the learned counsel appointed for respondent No. 2.

11. The application stands disposed of.

[ARUN R. PEDNEKER, J.]

SSC/