

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.730 OF 2022

Madhur s/o Balasaheb Fartade ... **APPLICANT**

VERSUS

The State of Maharashtra & anr. ... **RESPONDENTS**

.....

Mr. A.V. Lavte, Advocate for applicant
Mr. V.S. Badakh, A.P.P. for respondent No.1 – State
Ms Anita D. Patil, advocate for respondent No.2

.....

WITH

BAIL APPLICATION NO.867 OF 2022

Sahadev s/o Abhiman Chalak ... **APPLICANT**

VERSUS

The State of Maharashtra & anr. ... **RESPONDENTS**

.....

Mr. A.B. Chalak, Advocate for applicant
Mr. V.S. Badakh, A.P.P. for respondent No.1 – State
Ms Anita D. Patil, Advocate for respondent No.2

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CORAM : R. G. AVACHAT, J.

DATE : 21st JULY, 2022.

PER COURT :

Both these Bail Applications are taken up together
since they arise from one and the same Crime No.22/2022,
registered at Dharur Police Station, District Beed for the

offences punishable under Sections 376(2)(n), 354, 506 read with Section 34 of the Indian Penal Code and Sections 4 and 8 of the Protection of Children from Sexual Offences Act. The F.I.R. has been lodged by the victim herself on 16/2/2022. The victim claims to be 19 years and 9 months old at the relevant time.

2. The gist of the allegations in the F.I.R. is that, both the applicants had sexually ravished the informant separately at different times. It is her case that, the applicant Madhur Fartade runs a photo studio. Once she had been to the studio to have her passport size photographs, the applicant Madhur lured her there and had sexual intercourse with her. He did same thing with the victim 7 – 8 times thereafter. It is further her case that, the applicant Madhur and applicant Sahadev were friends inter-se. Both of them were at the studio together once. The applicant Madhur had to leave the studio for outdoor job. During absence of applicant Madhur, Sahadev had sexual intercourse with the victim without her consent and against her wish. Based on the F.I.R. lodged by the victim herself, the crime was registered and investigated as well.

3. Both the learned counsel for the applicants would

submit that, it may be a case of consensual relationship. The applicants are in the age group of 22 – 23 years. Investigation of the crime is over. Charge sheet has been filed. It will take time for commencement and conclusion of the trial. They, therefore, urged for grant of bail to the applicants.

4. Learned A.P.P. and learned counsel for the respondent No.2 victim would, on the other hand, urge for rejection of the applications.

5. Close reading of the police papers indicate, it was an emotional relationship between the victim and the applicant Madhur. The F.I.R. has been lodged on 16/2/2022. The alleged acts of sexual intercourse attributed to both the applicants dates back to the months of September to November 2021. It is only when the victim conceived and her parents realised the same, she had to disclose the names of the applicants herein. There are also statements of two boys in the age group of 20 – 22 years. According to them, it was the victim who used to call them on cell phone and ask to have friendship with her. Be that as it may.

6. Considering the case and the fact that the applicants are in the age group of 22 – 23 years and the fact

that the investigation has been over and the charge sheet has been filed, I am inclined to grant bail to the applicants. Hence, the order :-

ORDER

(i) The bail applications applications are allowed.

(iii) The applicants be released on bail in connection with Crime No.22/2022, registered at Dharur Police Station, District Beed for the offences punishable under Sections 376(2)(n), 354, 506 read with Section 34 of the Indian Penal Code and Sections 4 and 8 of the Protection of Children from Sexual Offences Act on their executing P.R. bond in the sum of Rs.15,000/- (Rupees fifteen thousand) each with one surety in the like amount.

(iii) The applicants shall not tamper with the prosecution evidence in any manner.

(iv) Fees of Ms Anita D. Patil, Advocate for respondent No.2 is quantified at Rs.6000/- (Rupees six thousand).

**(R. G. AVACHAT)
JUDGE**

fmp/-