

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

BAIL APPLICATION NO. 809 OF 2022

Anil Gangadhar Nangare

..APPLICANT

VERSUS

State of Maharashtra and Another

..RESPONDENTS

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Mr. S.S. Jadhav, Advocate for applicant

Mr. S.P. Sonpawale, A.P.P. for respondent no.1 – State

Mr. R.K. Temkar, Advocate for respondent no.2

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CORAM : R.G. AVACHAT, J.

DATE : 26th JULY, 2022

PER COURT :

1. This is an application for bail under Section 439 of Code of Criminal Procedure. The applicant has been arrested in connection with Crime No. 494 of 2021 registered with Parner Police Station, Dist. Ahmednagar for the offences punishable under Sections 376, 354, 354-D, 354-D(2), 366, 500, 504 and 506 of the Indian Penal Code and under Sections 3, 4, 7, 8, 11(IV) and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. Heard. Perused the First Information Report ("F.I.R.") and related police papers.

3. The F.I.R. has been lodged by the victim herself on 05th July, 2021. The victim, in the F.I.R., has given her age as twenty years. The F.I.R. runs into 3-4 pages. Minute details of the manner in which the offences have been committed by the applicant have been detailed in the F.I.R. There was acquaintance between the informant and the applicant. Acquaintance developed into emotional relationship. It was since March 2018. In those days she was below eighteen years of age. The applicant had taken the victim to a lodge and sexually ravished her. A video clip of their sex act showed by him and threatened the victim of making it viral. The informant was to get married with the applicant. The applicant however, backtracked. Then marriage of the informant was settled with someone else. The applicant informed the prospective groom against the informant because of which the marriage could not take place. The applicant many a time abused the informant and her parents. Messages in inappropriate and abusive words towards the victim and her family members were circulated by the applicant. He had even given threats to their lives.

4. Learned counsel for the applicant would submit that it was a case of emotional involvement. The applicant has been serving in Indian Army. The alleged incident dates back to years 2018-19. On investigation, charge-sheet has been filed. The applicant proposes to resume his job. He, therefore, urged for grant of application.

5. Learned A.P.P. and learned counsel for Respondent No.2 would, on the other hand, urge for rejection of the application. According to them, the averments in the F.I.R. indicate how cruel the applicant behaved. According to them, if the applicant is released on bail, he would again trouble the informant and her family members.

6. Considered the submissions advanced. Reading of the F.I.R. and police papers leads this Court to observe that it was initially the case of emotional involvement between the informant and the applicant. That time the informant was minor. Sexual offences attributed to the applicant dates back to 2018-19. The F.I.R. has been lodged in July 2021. The applicant suspected the informant to have relationship with someone else as well. He, therefore, started harassing the informant and even her family members. It also appears that the informant was to get married with the applicant. Everything was settled. He however, backtracked ostensibly for the reason of the informant to have been friendly with other boy/s. He had made the chat between the informant and other boy/s viral. The applicant is in jail since 14th January, 2022. It was a consensual relationship turned sour. True, there is material to indicate the applicant to have had harassed the informant and her family members by all possible means. It would take time for commencement and conclusion of trial. It is reiterated that it was a beginning with consensual relationship. The applicant can be released on bail with imposing some stringent conditions.

7. In view of above, the application deserves to be allowed. Hence I pass the following order :-

ORDER

(I) The bail application is allowed.

(II) The applicant be released, in connection with Crime No. 494 of 2021 registered with Parner Police Station, Dist. Ahmednagar for the offences punishable under Sections 376, 354, 354-D, 354-D(2), 366, 500, 504 and 506 of the Indian Penal Code and under Sections 3, 4, 7, 8, 11(IV) and 12 of the Protection of Children from Sexual Offences Act, 2012, on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

(III) The applicant shall not enter village Goregaon, Tq. Parner, Dist. Ahmednagar till conclusion of trial.

(IV) The applicant shall not try to contact the informant and her family members by any means.

(V) The applicant shall not tamper with the prosecution evidence.

(R.G. AVACHAT, J.)

SSD