

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

BAIL APPLICATION NO.1186 OF 2022

Pandurang s/o. Sambhaji Kalyankar	..Applicant
Vs.	
The State of Maharashtra and anr.	..Respondents

Mr.S.S.Rathi, Advocate for applicants
Mr.A.V.Deshmukh, APP for respondent no.1
Mr.R.R.Tandale, Advocate for respondent no.2

**CORAM : R.G. AVACHAT, J.
DATE : AUGUST 20, 2022**

ORDER :-

This is an application under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.0171 of 2022 registered with Kalamnuri Police Station, Dist.Hingoli.

2. The First Information Report (FIR) has been lodged by the victim herself. She was 17 years and 5 months old at the relevant time. From the FIR, it is evident that the applicant and the informant were emotionally involved for over two-three years. The applicant had also provided the informant/victim a room to stay in at Hingoli. It is alleged in the FIR that the applicant established physical relationship with her by giving false promise of marriage. It is alleged that the applicant had snapped nude photographs of the informant and

threatened her to make them viral, if she would not do sexual favour to him. Thereafter, during holidays, the informant had come to village to stay with her parents. It is alleged that on 25.04.2022, when the informant's parents were not present in the house, the applicant forcibly entered in the house of the informant.

3. Learned APP and learned counsel for the informant would submit that the consent of the informant is immaterial in view of her age being below 18 years. The applicant had threatened the victim to make the photographs viral. He has not surrendered his cellphone. If he is granted bail, he may trouble the informant, since both of them are from the same village. They, therefore, urged for rejection of the application.

4. Considered the submissions advanced. Perused the FIR and related papers.

5. It is a case of consensual relationship. The FIR has been lodged six days after the last sexual offence. On investigation, charge sheet has been filed. The applicant is 22 years of age. It will take time for commencement and conclusion of the trial.

6. In view of the above, the Court is inclined to grant the applicant bail. Hence, the following order:-

- (i) The application is allowed.
- (ii) The applicant be released in connection with Crime No.0171 of 2022 registered with Kalamnuri Police Station, Dist.Hingoli, 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 surrender his cell phone.
- (iv) The applicant shall not tamper with the prosecution evidence in any manner.
- (v) Fee of learned counsel appointed to represent respondent no.2 is quantified at Rs.6,000/- (Rupees Six Thousand).

[R.G. AVACHAT, J.]

KBP