

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

BAIL APPLICATION NO. 1246 OF 2022

Ashfaq Pathan Taufik Pathan	... Applicant
Versus	
The State of Maharashtra and another	... Respondents

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Mr. H. I. Pathan, Advocate for applicant
Mr. S. P. Sonpawale, APP for respondent No.1 – State
Ms Sayali S. Tekale, Advocate (appointed) for respondent No.2

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CORAM : R. G. AVACHAT, J.

DATED : 21st SEPTEMBER, 2022

PER COURT :-

1. This is an application for bail under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.119/2022, registered at Hingoli (Rural) Police Station, District Hingoli, for the offences punishable under Sections 376(2)(n) and 417 of the Indian Penal Code and under Section 6 of the Protection of Children from Sexual Offences (POCSO) Act.

2. Heard. Perused the First Information Report (FIR) and related papers.

3. The FIR has been lodged by the victim herself. She was major while the FIR was lodged. It is her case that she got acquainted with the applicant on Instagram in February 2021. Since then, upto 01.05.2022, both of them had met many a time. The applicant is alleged to have had sexual intercourse with her with the false promise of marriage. It is further her case that on 29.04.2022, the applicant talked to her on cell phone. He asked her to accompany him to Amravati. He promised to marry her that time. He took her to Amravati. Stayed there in a lodge. He again had sexual intercourse there. Instead of bringing her back to the village, he left her at Amravati and came back alone.

4. Attention of this Court is adverted to the statement of one Godavari @ Sonu Savale. The Court does not propose to advert to the recitals of her statement. Suffice it to state that it is a case of consensual relationship. Where the applicant had sexually exploited with a false promise of marriage, could only be determined on trial of the case. On investigation, the charge-sheet has been filed. It will take time for commencement and conclusion of trial. The Court is inclined to grant the applicant, bail. Hence, following order:

ORDER

- (i) The Bail Application is allowed.
- (ii) The applicant be released on bail in connection with Crime No.119/2022, registered at Hingoli (Rural) Police Station, District Hingoli, for the offences punishable under Sections 376(2)(n) and 417 of the Indian Penal Code and under Section 6 of the Protection of Children from Sexual Offences (POCSO) Act, on his executing P. R. bond in the sum of Rs.50,000/- (Rupees Fifty Thousand) with surety bond of the like amount.
- (iii) The applicant shall not tamper with the prosecution evidence.
- (iv) Fees of learned Advocate Ms Sayali S. Tekale (appointed) is quantified at Rs.6,000/- (Rupees Six Thousand).

[R. G. AVACHAT, J.]