

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

BAIL APPLICATION NO. 1312 OF 2022

Akshay @ Bhima Navnath Mamadge	... Applicant
Versus	
The State of Maharashtra and another	... Respondents
....	
Mr. Satej S. Jadhav, Advocate for applicant	
Mr. V. S. Badakh, APP for respondent No.1 – State	
Ms. Mayur S. Hange, Advocate (appointed) for respondent No.2	
....	

CORAM : R. G. AVACHAT, J.

DATED : 08th 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.144/2022, registered at Renapur Police Station, District Latur, for the offences punishable under Sections 376, 376(2)(N)(J), 376(3), 354(C), 354(D), 506 of the Indian Penal Code and Sections 4 and 12 of the POCSO Act, Section 66(D) and 67(B) of the Information Technology Act.

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

The FIR has been lodged by the victim herself on 17.04.2022. It is her case that she was 18 years of age while the FIR

was registered. She was in 9th standard in the year 2018. She got acquainted with the applicant. Acquaintance developed into emotional relationship. The applicant had called her to meet him in Manisha lodge at Renapur, in February, 2019. He promised to marry her. With a false promise of marriage, he did sexual intercourse with her. She was 16 years of age at that time. It is also her case that she was in 11th standard in 2020. She was taking education at S.S.I. College, Latur. The applicant, again taken her to a lodge and did sexual intercourse with her. He also snapped her photographs. It is further her case that post September 2020, she discontinued to stay in contact of the applicant. He (applicant), therefore, started making her calls from other mobile numbers. Engagement of the informant with one Suhas Bhise was scheduled on 05.10.2022 and the date of marriage was scheduled for 24.04.2023. The applicant played spoilsport. He send the photographs to her would be groom. He also contacted Suhas Bhise and asked him not to marry informant. As a result, suhas refused to marry the informant.

3. On investigation, the charge-sheet has been filed.

4. The learned Advocate for the applicant would submit it to be a case of consensual relationship. The alleged sexual assaults date back to 1 ½ years before lodging of the FIR. On investigation, the charge-sheet has been filed. He, therefore, urged for grant of the application.

5. The learned APP and the learned Advocate representing the victim would, on the other hand submit that at the relevant time the victim was below 18 years of age. Her consent was immaterial. The applicant played spoilsport. If he is granted bail, he would again harass the informant. Both the learned Advocates therefore urged for rejection of the application.

6. Considered the submissions advanced. Perused the FIR and the related police papers. The alleged sexual assaults date back to 1½ years before the FIR was lodged. The informant approached the police station only when the applicant had played a spoilsport by approaching her would be groom. On investigation, the charge-sheet has been filed. It will take time for commencement and conclusion of trial. Hence, following order:

ORDER

- (i) The Bail Application is allowed.
- (ii) The applicant be released on bail in connection with Crime No.144/2022, registered at Renapur Police Station, District Latur, for the offences punishable under Sections 376, 376(2)(N)(J), 376(3), 354(C), 354(D), 506 of the Indian Penal Code and Sections 4 and 12 of the POCSO Act, Section 66(D) and 67(B) of the Information Technology Act, on his executing P. R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with surety bond of the like amount.
- (iii) The applicant shall not enter the village Ghansargaon, Taluka Renapur, District Latur, for the next two years.
- (iv) The applicant shall not approach the informant.
- (v) The applicant shall not tamper with the prosecution evidence.
- (vi) Fees of learned Advocate Ms Mayur S. Hange (appointed) is quantified at Rs.6,000/- (Rupees Six Thousand).

[R. G. AVACHAT, J.]