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

**BAIL APPLICATION NO.1631 OF 2022
WITH APPLN/3417/2022 IN BA/1631/2022**

**DNYANESHWAR @ MAULI ATMARAM GAYKE
VERSUS
THE STATE OF MAHARASHTRA**

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Advocate for Applicant : Mr. Wakale Vijay Shivaji
APP for Respondent/State : Ms. V.S. Choudhari
Advocate for Victim : Mr. Shaikh Mazhar A. Jahagirdar

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CORAM : S.G. MEHARE, J.

DATED : 13th OCTOBER, 2022

PER COURT:-

1. Heard learned counsel for the applicant, learned APP for the State and learned counsel for the victim at length.
2. Perused the charge sheet. Considering the allegations and other material, it appear that the victim had consensus relationship with the applicant. She never complained against the applicant. She was knowing everything about the applicant.
3. Learned counsel for the applicant would submit that when the family members of the applicant went to the parents of the victim with marriage proposal, they seriously raised the objection, as they belong to the different religion. However to stop further relations, the victim was forced to lodge a false report and under pressure, the victim might have filed the false report. The parents

and relatives of the victim asked for the proof of having relationship with him; hence, he had transmitted some photographs to her uncle along with the victim. The photographs were not indecent. The relatives of the victim made its capital to distract the applicant and the victim from performing marriage as there were religious restrictions.

4. Learned APP has strongly opposed the application contending that the offence is serious. The applicant sexually exploited the victim. He was married but never disclosed about his marriage to the victim.

5. Learned counsel appearing for the victim has argued that the applicant threatened the victim to viral the photographs and under that threat, he repeatedly did forceful sex with her. The victim has an apprehension that the applicant may misuse the photographs and spoil her life. The applicant transmitted the photographs to the uncle of the victim. That shows his ill-intention. Under the false promise to marry her, he mislead the victim who is a young girl. Therefore, the applicant shall not be released on bail.

6. It appears from the record that the applicant and victim met on Instagram. They shared their phone numbers. They were meeting at various places. The victim was going with him alone. She never opposed him anytime before lodging the report. The alleged mobile phones have been seized by the police. It is a case of

consensus sex. The victim was major. But now, the dispute appears to have been arisen between them. Be that as it may, a thorough investigation has been done by the investigation officer and charge sheet has been filed. In view of the matter, the applicant deserves bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Dnyaneshwar @ Mauli Atmaram Gayke, be released on bail on executing P.B. and S.B. of Rs.20,000/- (Rupees Twenty Thousand) with one surety in the like amount in connection with Crime No.229/2022, registered at Loni Police Station, Taluka Rahata, District Ahmednagar for the offences punishable under Sections 376(2)(n), 376(2)(k), 377, 323, 504, 506 of the Indian Penal Code, on the conditions ; (a) not to contact the victim or his parents in any way, (b) not to misuse the photographs of the victim if he has and (c) shall not tamper with the prosecution witnesses.
- (iii) Criminal Application No.3417 of 2022 is allowed.

(S.G. MEHARE, J.)