

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

930 BAIL APPLICATION NO.1742 OF 2022

AKASH SURESH MURADKAR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Harshal Prakash Randhir.
APP for Respondent-State : Mr. A. A. Jagatkar.
Advocate for Respondent No.2 : Mr. Sarang P. Joshi
(Appointed).
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CORAM : S. G. MEHARE, J.
DATE : 24.11.2022

PER COURT :-

1. Heard the learned counsel for the applicant, learned APP for the respondent-State and learned appointed counsel for respondent No.2.

2. The applicant has been arraigned as an accused on the allegations of victim, who was 17 years old, at the time of the incident, that she had love affair with the present applicant. He did sex with her. He took her indecent photographs with her consent. Thereafter, they had some dispute, so she had cut the relation with him. However, the applicant started exploiting her under the threat of publishing her indecent photographs. He was calling her and doing sex with her. It has

also been alleged that he also forced her to have sex with another boy.

3. Learned counsel for the applicant would submit that the story of the victim is improbable. No one would believe the allegations. Her contention of exploiting her under the threat of making her indecent photographs viral is not supported with the cogent and reliable evidence. The mobile handset of the applicant has been seized and nothing has been discovered. That apart, though the allegations have been levelled against the applicant that he sent indecent photographs to the victim, she did not produce the same before the Investigating Officer. When their relation come to the light and her parents learnt about their relation, they started opposing them, as they belong to the different religions. The victim might have been pressurized to lodge the report. She never had any complaint against the applicant. But, to make the offence serious, a false story has been cooked. The applicant is languishing in jail since July 2022. He is a young and unmarried boy having no antecedents to his discredit. He is ready to abide by the conditions, if any, imposed while enlarging him on bail.

4. Learned APP for respondent-State and learned appointed counsel for respondent No.2 have strongly opposed the

application. Learned APP would contend that the serious allegations have been levelled against the applicant that he exploited the victim under the threat of making her indecent photographs viral. She was below 18 years. Hence, her consent was immaterial. The applicant may tamper with the prosecution witnesses. The mobile handset recovered from the applicant has been sent to the Chemical Analyzer and that C.A. report is awaited. Considering the gravity of the offence, it would not be appropriate to release him on bail.

5. Perused the charge sheet. It appears that the victim and applicant were in relationship. After some days, the brother of the victim learnt about their relation. The prosecution has no evidence that the applicant sent victim's indecent photographs to her. The possibility of pressurizing the victim, as they belong to the different religions cannot be ruled out. The victim was in the advanced age, where she could take appropriate decision. Considering the material collected, the allegations levelled against the applicant, the Court is of the view that the applicant may be released on bail on certain conditions. Hence, the following order :

ORDER

- (i) Bail Application is allowed.

- (ii) Applicant **AKASH SURESH MURADKAR** be released on bail on furnishing P.B. and S.B. of Rs.20,000/- (Rupees Twenty Thousand only) with one solvent surety of the like amount, in Crime No.299 of 2022, registered by Police Station Jamner, District Jalgaon, for the offences punishable under Sections 376(2)(j)(n), 354(D), 323, 506 read with Section 34 of the IPC and Sections 4, 6 of the POCSO Act read with Section 3(1)(w)(i)(ii), 3(2)(5a) of the S.C. & S.T. Act on the condition not to contact the victim or her relatives or any other witnesses till conclusion of the trial.
- (iii) Since Mr. Joshi, learned counsel is appointed to prosecute the cause of respondent No.2, his fees be paid as per the schedule of fees maintained by the High Court Legal Services, Sub-Committee, Aurangabad.

(S. G. MEHARE, J.)

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vmk/-