

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1485 OF 2022

1. Vishal Ashok Mungase
2 Padmabai W/o. Ashok Mungase Applicants

Versus

The State of Maharashtra
and others Respondents

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Mr. Narayan B. Narwade, Advocate for the Applicants
Ms. R.P. Gour, APP for Respondent Nos. 1 and 2 – State
Mr. S.D. Kotkar, Advocate for Respondent No.3

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 17th JANUARY, 2023

ORDER :

1. The applicants apprehend their arrest in connection with Crime No.0861 of 2022 registered with Newasa Police Station, District Ahmednagar for offences punishable under sections 354-A, 354-B, 354-D, 376(2), 376(2)(1), 376(2)(j), 376(1)(n), 376(2)(f), 506 of the Indian Penal Code and sections 4, 6, 8, 12, 17 and 21 of the Protection of Children from Sexual Offences (POCSO) Act.

2. FIR is lodged by the mother of victim, a minor aged 16 years, alleging that applicant No.1 has kept physical relations with the victim on false promise of marriage.

Applicant No.2 being mother of applicant No.1, insisted that victim should marry with applicant No.1 and threatened that if the victim refuses to marry with applicant No.1, she will be defamed in the society. Applicant No.2, therefore, helped applicant No.1 in commission of crime under section 376 of the Indian Penal Code.

3. Heard learned advocate for the applicants, learned Additional Public Prosecutor for respondent Nos. 1 and 2 – State and learned advocate for the informant. Perused the investigation papers.

4. The record reveals that there was love affair between applicant No.1 and the victim. Photographs of applicant No.1 and victim placed on record confirm the same. WhatsApp messages exchanged between applicant No.1 and victim also confirm the said fact. There appears substance in the argument of applicants that since love affair was not liked by the informant, present FIR is lodged.

5. The applicants were granted interim protection and was directed to co-operate in the investigation. The applicants have co-operated in the investigation. The cell phone of applicant No.1 is seized by the Investigating Officer, and his

medical examination is also conducted. Nothing is to be recovered from the applicants. Hence, their pre-trial custodial detention of the applicants is not necessary.

6. The application is, therefore, allowed by confirming the interim order dated 14th November, 2022.

7. Till conclusion of the trial, applicant No.1 shall not enter village Saundala, Tq. Newasa, District Ahmdnagar, where the informant and the victim are residing

8. Till filing of charge-sheet, the applicants shall attend the concerned police station as and when called by the investigating officer and co-operate in the investigation. The applicants shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE

S.P. Rane