



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

18 ANTICIPATORY BAIL APPLICATION NO. 949 OF 2024

Vikas Nana Sapre

VERSUS

The State of Maharashtra and others

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Advocate for Applicant : Mr. Shashikant E. Shekade

APP for Respondent Nos. 1 and 2: Mrs. D.S. Jape

Advocate for Respondent No.3 : Mr. A.W. Waghmare

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**CORAM : SHIVKUMAR DIGE, J.**  
**DATED : 9<sup>th</sup> SEPTEMBER, 2024.**

**PER COURT :-**

1. The applicant apprehends arrest in connection with crime No. 484 of 2024 registered with Shrigonda Police Station, district Ahmednagar, for the offences punishable under Sections 366-A, 376(2)(J), 376(2)(N), 376(2)(I), 384, 452, 506 of the Indian Penal Code and under sections 3, 4, 5, 5-L and 6 of the Protection of Children from Sexual Offences Act, 2012.

2. It is the prosecution's case that when the informant was in 7<sup>th</sup> standard, she had acquaintance with accused No.1 and their friendship developed into love relationship. When the informant was in 9<sup>th</sup> standard in the year 2020, it is alleged that accused No.1 sexually assaulted her and taken her obscene photographs. It is alleged that accused No.1 sexually assaulted the informant at various

places, including at Royal Cafe of which the applicant is the owner. It is alleged that in the said Cafe the applicant has erected separate compartment providing for private space. It is alleged that the applicant would charge amount and provide the said compartment to the couples for performing the physical relationship. It is alleged that the accused No.1 has sexually assaulted the informant in the said compartment.

3. It is the contention of the learned counsel for the applicant that the applicant has been falsely implicated in this case. The charge sheet has been filed against the co-accused. The allegations against the applicant are that accused No.1 has committed sexual assault in the Cafe of the applicant. Learned counsel further submitted that the informant is more than 18 years of age and she is major. The informant was sexually assaulted at various places, including the lodge, but the police did not implicate the lodge owners as accused, but only the applicant has been implicated as an accused. The applicant was not aware of age of the victim. Considering the allegations against the applicant, his custodial interrogation is not required and requested to allow the application.

4. It is the contention of the learned APP alongwith learned counsel for respondent No.3 that the applicant runs a Royal Cafe.

He has made the compartments in the said Cafe and the said compartments were made available to the couple for doing physical relationship by charging heavy amount. The alleged sexual assault on the informant is done when she was minor. The applicant had no authority to make such type of compartments and make it available for keeping physical relationship. Considering the allegations against the applicant, his custodial interrogation is required and requested to reject the application.

5. I have heard all the learned counsel. Perused the F.I.R. and the police papers produced on record. The allegations against the applicant are that he is cafe owner and he had provided the compartment to accused No.1 and victim in the cafe. Accused No.1 sexually assaulted the victim. It appears from the record that the accused No.1 had sexually assaulted the victim at several places. It does not appear from the police papers that at the time when the victim had gone to the cafe, the applicant was aware about the age of the victim and the applicant himself had provided the compartment to accused No.1 and the victim. Considering these facts the custodial interrogation of the applicant is not required and I pass the following order :-

### **ORDER**

(i) The application is allowed.

(ii) In the event of arrest of the applicant in connection with crime No.484 of 2024 registered with Shrigonda Police Station, district Ahmednagar, for the offences punishable under Sections 366-A, 376(2)(J), 376(2)(N), 376(2)(I), 384, 452, 506 of the Indian Penal Code and under sections 3, 4, 5, 5-L and 6 of the Protection of Children from Sexual Offences Act, 2012, the applicant be released on executing personal bond in the sum of Rs.20,000/- with one surety of the like amount, on the following condition :-

(a) the applicant shall attend the concerned police station as and when required by the Investigating Officer.

6. Since Mr. A.W. Waghmare, the learned counsel is appointed to represent respondent No.3, his legal fees and expenses are quantified at Rs.5000/- to be paid by the High Court Legal Services Sub Committee, Aurangabad.

**(SHIVKUMAR DIGE, J.)**

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