



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

64 ANTICIPATORY BAIL APPLICATION NO. 1052 OF 2024

Sachin Dinkar Kaje

VERSUS

The State of Maharashtra and others

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Advocate for Applicant : Mr. Salunke Sudarshan J

APP for Respondent Nos. 1 and 2: Mr. P.K.Lakhotiya

Advocate for Respondent No.3 : Mr. M.N. Kolhe

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CORAM : SHIVKUMAR DIGE, J.

DATED : 19th AUGUST, 2024.

PER COURT :-

1. The applicant apprehends arrest in connection with crime No.156 of 2024 registered with Pishor Police Station, district Chhatrapati Sambhajnagar, for the offences punishable under Sections 376, 376(2)(N) of the Indian Penal Code and under sections 3, 4, 7 and 8 of the Protection of Children from Sexual Offences Act, 2012. After investigation, the police have lodged a report before the Special Court stating that at the time of incident, the informant was major, hence offences registered under the POCSO Act are withdrawn against the applicant.

2. It is the prosecution's case that there was friendship between the applicant and the informant and the applicant gave a proposal of marriage to the informant. On that count, there was physical

relations between the applicant and the informant. It is alleged that on several occasions the applicant sexually assaulted the informant on the ground that he will marry with her. Thereafter, he refused to marry with the informant.

3. It is the contention of the learned counsel for the applicant that the applicant has been falsely implicated in this case. The relations between the applicant and the informant were consensual. The informant was major. 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 and learned counsel for respondent No.3 that the applicant sexually assaulted the informant on the pretext to marry with her. The consent was obtained by fraud. Thereafter, the applicant refused to marry with the informant. Considering the allegations against the applicant, his custodial interrogation is required and requested to reject the application.

5. I have heard both the learned counsel. Perused the F.I.R. and the police papers produced on record. It appears from the record that the physical relations between the applicant and the informant were consensual. The informant was major. The investigation is completed

and the charge sheet is filed against the applicant. 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) The interim anticipatory bail granted to the applicant vide order dated 28.06.2024 stands confirmed on the same terms and conditions.

(SHIVKUMAR DIGE, J.)

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