



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

CRIMINAL APPLICATION NO. 2904 OF 2024

**PRADIP SURESH KHEDKAR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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Mr. Nilesh S. Ghanekar, Advocate for the Applicant
Mr. N. D. Batule, APP for Respondent No.1 – State
Mr. S. L. Baswe, Advocate for Respondent No.2

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CORAM : Y. G. KHOBRAGADE, J.

DATE : 18.11.2024

PER COURT :-

1. Heard the learned Counsel appearing for the Applicant, Mr. N. D. Batule, the learned APP for the State and Mr. S. L. Baswe, the learned Counsel for Respondent No.2.

2. By the present Application under Section 482 of the Code of Criminal Procedure, the Applicant prayed for quashment of the order dated 04.07.2024 passed in Criminal Misc. Application No. 246 of 2024, whereby the learned Special Court cancelled the bail of the Applicant and taken him in the custody

on 26.09.2024. Further, the Applicant prayed for releasing on bail during pendency of the trial.

3. The learned Counsel for the Applicant canvassed that on 08.11.2023, the informant, victim's mother lodged a FIR with Jinsi Police Station, Aurangabad, on which basis, Crime No.330 of 2023 registered against the present Applicant / accused for the offence punishable under Sections 363, 366, 354 of the Indian Penal Code and Sections 8 and 12 of the Protection of Children from Sexual Offences (POCSO) Act, 2012, Act and under Sections 4, 9, 10 of Prevention of Child Marriage Act. The present Applicant / accused was apprehended on 15.12.2023 and he was remanded in M.C.R. On 06.01.2024, the learned Special Court passed an order in Bail Application No.2698 of 2023 and was enlarged the accused on bail on furnishing P.B. and S.B. of Rs.50,000/- on certain conditions that, the Applicant / accused shall not pressurise the victim, her family members and the prosecution witnesses as well as the Applicant shall not enter in the locality where the victim and her family members residing. Further, the Applicant shall not contact the victim through any media (mobile, face-book, instagram, e-mail or any other media) until further orders. Subsequently, the informant victim's mother filed

Exh.“C” and prayed for cancellation of bail of the Applicant accused on the ground that after releasing, the accused has breached the conditions of bail. The Applicant trying to pressurise the victim, witnesses, so also, the accused issuing threat for publication of photos of the victim on the social media. Further, the Applicant accused uploaded his photo with gun on the social media and also defaming the informant and her family members on the social media.

4. On 04.07.2024, the learned Special Court passed the impugned order and cancelled the bail of the Applicant accused and directed to surrender him within a period of eight days. Accordingly, on 26.09.2024, the Applicant accused surrendered and since then, he is in the custody.

5. The learned Counsel for the Applicant canvassed that the informant has not made specific statement that the Applicant had entered in the locality of the victim or issued any threat. So also, the accused has not posted any photographs on any social media. However, those photographs appearing on the social media are forged. Therefore, cancellation of bail of the applicant not been justified. The learned Counsel for the Applicant further canvassed

that after the Applicant was released on bail, he never contacted with the victim nor he caused any harm or issued any threat to the victim or any other witnesses. However, the mother of the victim i.e. the informant lodged a false N.C. report against him alleging that on 30.07.2024 at about 6.00 p.m., the mother, sister and brother of the accused visited in-front of her house and issued threat for withdrawal of police report lodged against the Applicant. Thereafter, on 31.07.2024, the father of the victim lodged a report with the Police Commissioner against the Applicant accused for issuance of threat. Again, on 23.08.2024, the father of the victim again lodged a N.C. report No.0867 of 2024 for issuance of life threat at the hands of the accused, when he was standing near a tea stall at Juna Mondha, Jafar Gate.

6. Needless to say that, on 06.01.2024, the learned Special Judge, passed the order and released the Applicant accused in Crime No. 330 of 2023 registered with Jinsi Police Station, Aurangabad, for the offence punishable under Sections, 363, 366 and 354 of the Indian Penal Code and Sections 8 and 12 of the POCSO Act and under Sections 4, 9, 10 of Prevention of Child Marriage Act, on the condition that the accused shall not pressurise the victim on any

prosecution witnesses, so also, he would not enter the locality where the victim and her family resides. Further, the accused shall not contact the victim through any media including mobile, face-book, instagram, e-mail or any other social media. In spite of said fact, the informant alleged about issuance of life threat at the hands of the accused, his relatives, and pressurising the informant for withdrawal of the police complaint.

7. No doubt, the complainant vide reply resisted the present Application on the ground that the accused made viral the photographs of the victim on social media. Those are already produced along with the charge-sheet before the Special Court. At the time of incident, the victim who was more than 15 years of age and the accused was 24 years of age. The victim had eloped with the accused and allegedly married with him. Therefore, it appears that out of the love and affection, the victim might have left her house and accompanied with the accused. Though the informant placed certain photographs at page Nos. 11, 12 and 13, but those photographs does not appear on what dates those photographs were posted on the social media like face-book. Therefore, considering the nature of offence and allegations made against the Applicant, it would be just

and proper to release the accused on bail on stringent conditions. In view of the above, I am inclined to grant the present Application and proceed to pass the following order:-

ORDER

- (i) The present Application is allowed.
- (ii) The Applicant accused be released on bail in Crime No.330 of 2023 registered with Jinsi Police Station, District Aurangabad for the offence punishable under Sections 363, 366 and 354 of the Indian Penal Code and Sections 8 and 12 of the POCSO Act and under Sections 4, 9, 10 of Prevention of Child Marriage Act, on furnishing P.R. and S.B. of Rs.50,000/-.
- (iii) The Applicant shall not tamper with any evidence and he shall not pressurise the victim or any prosecution witnesses in any manner.
- (iii) The Applicant accused shall not enter in the locality of the victim and her family members. He shall not contact with the victim either personally written communication or

through any media including mobile, face-book, whats-app, instagram or any other social media, during the course of the trial.

(iv) The Criminal Application is disposed of.

[Y. G. KHOBRAGADE, J.]

SMS