



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

33 BAIL APPLICATION NO. 1420 OF 2024

SAGAR DASHARATH KALE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Ms. Sonawane Sunita G.

APP for Respondent/State : Mr. S. B. Pulkundwar.

Advocate for Respondent No.2 : Mr. Tanvi Jadhav (Appointed
Through Legal Aid).

...

CORAM : S. G. MEHARE, J.

DATE : 09.09.2024

PER COURT :-

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

2. The applicant seeks bail in 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 IPC and Sections 3, 4, 5, 5-L and 6 of the POCSO Act.

3. The prosecution has a case that the applicant committed sexual offence against the victim when she was minor. The applicant threatened the victim that he would viral the obscene

photographs and video and under the threat he did repeated sex with her. On this allegation, the FIR was registered.

4. Learned counsel for the applicant submitted that it was a love affair since long. The applicant never exploited the victim. When the report was lodged, she was major. She never resisted the applicant. She was voluntarily exhibiting her body. The applicant has been falsely implicated in the crime due to fear and pressure of and over the victim. Recently he has been detected leucopenia. It is a first stage of carcinoma. She also argued that the material investigation against the applicant has been completed. He is a young boy running 28 and agriculturist. He was and is ready to marry her. But she was not interested. Hence, she made a false allegations against the applicant.

5. Learned APP and the learned counsel for the victim have vehemently argued that the applicant not only exploited the victim physically but also monetary. From time to time he received Rs.50,000/- from the victim. He forcefully took the obscene videograph and under the threat to viral it committed sexual assault repeatedly against her will. It has been argued for the victim that the victim was a minor when the first incident happened. Therefore, her consent was immaterial.

The applicant has no reason to exploit her financially. There is a great apprehension of threat and pressurizing the victim and winning over the witnesses. Hence, this is not a fit case to grant bail.

6. Learned APP was directed to produce the statement of the victim recorded under Section 164 of the Cr.P.C. He has instructions that a letter has been addressed to the concerned JMFC. But, he has no instructions when that letter was issued and what date was given to them for recording the statement under Section 164 of the Cr.P.C.

7. The record reveals that she herself was exhibiting her body. She never resisted the applicant. Therefore, at this juncture, it would be unjustifiable to believe that the applicant threatened her and forced her to take her obscene photographs and videos. Their meeting point was fixed. The reason is best known to the victim for their discord in love relationship. The victim has attained the majority. The applicant is suffering from the leucopenia. The material investigation has been completed. Therefore, no purpose would be served keeping him behind bar. However, the apprehension of the victim may be guarded by imposing certain conditions. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **SAGAR DASHARATH KALE** be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of like amount, on the following conditions :
 - (a) The applicant should not contact the victim or the witnesses in any mode or manner till the trial is concluded.
 - (b) He should attend the trial on each and every effective date.
 - (c) He should attend the Police Station as and when called on written notice by the Investigating Officer till filing the charge sheet.
 - (d) He should not enter the village where the victim resides till the trial is concluded.
- (iii) The Secretary, High Court Legal Services, Sub-Committee, Aurangabad do pay the legal fees to advocate Ms. Jadhav as per the schedule.

(S. G. MEHARE, J.)

...

vmk/-