

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1509 OF 2024

Bhikan Bhagvat Karhale

VERSUS

The State Of Maharashtra And Another

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Advocate for Applicant : Mr. Gore Ravindra Vitthal

APP for Respondent/State : Mr. S.P. Sonpawale

Advocate for Respondent No.2 : Mr. Madhav P. Gude (Appointed
Through Legal Aid)

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CORAM : S.G. MEHARE, J.

DATED : SEPTEMBER 25, 2024

PER COURT:-

1. Heard learned counsel for the applicant, learned APP for the State and learned counsel for the victim.
2. The applicant seeks bail in Crime No.264 of 2024 registered with Pishor Police Station, District Aurangabad for the offences punishable under Sections 65(1), 74, 75, 351(2), 351(3) of the Bharatiya Nyaya Sanhita and Sections 4, 8, 12 of the Protection of Children From Sexual Offences Act.
3. The applicant is a 22 years old boy and the victim was about 16 years old. The material placed before the Court reveals that the victim and the applicant had acquaintance. One fine morning, the mother of the victim learnt that the applicant was calling the victim. Therefore, she contacted the sister of the applicant and requested her not to trouble the victim as she is a 10th std student. As a matter of

caution, the victim was sent to her maternal uncle but there also she was found talking to the applicant on phone at odd hours. Therefore, she was again brought to her parents home and then the allegations of forceful sex and threatening of making the relationship public were levelled. The papers reveal that the opinion of sexual assault is yet not received. The application has been opposed on the ground that the victim was a minor. Therefore, the complaint of conscious consent is immaterial. There is a apprehension to the life of the victim, her brother and family members.

4. The papers reveal that the applicant and the victim were in relationship. They were meeting secretly. The victim appears capable to take appropriate decision and must be knowing the consequences of the acts she was doing. The possibility of pressurizing the victim to state against the applicant can also not be ruled out. No weapon is used in the crime. Therefore, it would be unjustifiable to keep the applicant behind bar. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant, Bhikan Bhagvat Karhale, be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of the like amount in the above crime, on the conditions that ;

(3)

(a) The applicant should not tamper with the prosecution witnesses.

(b) The applicant should not contact the victim in any mode or manner till the trial is concluded.

(c) The applicant should not go to the village where the victim resides till the trial is concluded.

(iii) The Secretary, High Court Legal Services Sub-Committee, Aurangabad is directed to pay the fees of the appointed counsel for the victim as per schedule.

(S.G. MEHARE, J.)