



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 752 OF 2024

AKASH DADARAO DHURVE VS THE STATE OF MAHARASHTRA AND ANOTHER

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. S.S. Sheikh, counsel for applicant.

Mr. K.R. Lule, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 22/11/2024.

1. Apprehending the arrest at the hands of police in connection with Crime No.13/2023 registered with Police Station Digras, District Yavatmal for the offence punishable under Section 363 of the Indian Penal Code, the applicant approached this Court for grant of pre-arrest bail.

2. Learned Counsel for the applicant submitted that initially the crime was registered against the present applicant on the basis of a report lodged by the mother of the victim on an allegation that on 10/01/2023, when she had attended her work and her daughter was at the house, and thereafter when she returned home, a daughter was not found in the house, as well as she has not attended the school. Therefore, she searched for her, but she could not trace her. On the basis of said report, police have registered the crime initially under Section 363 of IPC.

3. Learned Counsel further submitted that during the investigation the victim was found pregnant, and therefore, the applicant is having apprehension that he

may be arrested in a non-cognizable offence. There is reason to believe that he may be arrested in a non-cognizable offence. He submitted that as far as the allegations are concerned, there was a love affair between the victim and the present applicant, and out of love affair, there was a physical relationship. He submitted that no force is used by the present applicant. Out of love affair, they came together, as far as the custodial interrogation is concerned, which is not required.

4. Learned APP strongly opposed the said application and submitted that at this stage, there is no reason to believe that there is a reasonable apprehension. He further submitted that the minor victim girl was subjected for sexual assault, in view of that, the application deserves to be rejected.

5. After hearing learned counsel for the applicant and learned APP for the State, perused the investigation papers, from which it reveals that victim girl has left the house at her own accord and joined the company of the present applicant out of a love affair. They have also performed the marriage in one temple, and from the said matrimonial life, she had one daughter. Thus, it appears that, as per the contention of the victim, there was a love affair between the victim and the present applicant, and out of love affair, both teenagers came together, and there was a physical relationship. This incident has not taken place out of lust, but out of a love affair, two teenagers

have come together. Thus, considering the circumstances under which the alleged incident has taken place. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

- a] The criminal application is allowed.
- b] In the event of the arrest, the applicant - **Akash Dadarao Dhurve** in connection with Crime No.13/2023 registered with Police Station Digras, District Yavatmal for the offences punishable under Section 363 of the Indian Penal Code, shall be released on anticipatory bail on executing P.R. bond of Rs.25,000/- with one solvent surety in the like amount.
- c] The applicant shall attend the concerned police station as and when required for the investigation purpose and shall cooperate with the investigation agency.
- d] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case, personally or by way of electronic media.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]