



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (BA) NO.1055 OF 2024

(Dnyaneshwar s/o Keshav Gedam Vs. State of Maharashtra and anr.)

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

Court's or Judge's Order

Mr. N. Bhangde, Advocate h/f Mr. A.K. Bhangde, Advocate for the
applicant.
Mr. H.D. Dubey, APP for the State.
Mrs. S. Saware Gadhave, Advocate (appointed) for non-applicant
No.2.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- NOVEMBER 27, 2024.

By this application, the applicant is seeking bail as he came to be arrested on 07/03/2024 in connection with Crime No.232/2022 registered with Police Station Saoli, District Chandrapur for the offence punishable under Sections 363, 366, 376(2)(n) of the Indian penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.

2. The crime is registered on the basis of report lodged by the father of the victim girl on an allegation that on 15/10/2022 when he woke up in the morning, he could not found his daughter in the house who is aged about 16 years and 4 months, therefore, he lodged missing report and also alleged that somebody has kidnapped her daughter. During the investigation, the victim was traced and she was found along with the present applicant. Her statement was recorded from which

it reveals that there was a love affair between her and the present applicant. Out of love affair she went along with the present applicant and there was a physical relationship between them which resulted into her pregnancy. On the basis of the said statement, the police have registered the crime against the present applicant under Sections 363, 376(2)(n) of IPC and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.

3. Learned Counsel for the applicant submitted that from the statement of the victim it reveals that there was a love affair between her and the present applicant. The victim has joined the company of the present applicant out of love relationship and physical relationship was also developed between them out of love affair. Now, investigation is completed and the charge-sheet is filed, further incarceration of the applicant is not required. In view of that he be released on bail.

4. Learned APP and learned Counsel for non-applicant No.2 strongly opposed the application on the ground that considering the victim was below 18 years of age, her consent is not relevant. In view of that, the application deserves to be rejected.

5. I have heard learned Counsel for both the parties. Perused the investigation papers from which it reveals that victim was 16 years and 4 months and out of love affair she joined the company of the present

applicant. The applicant is also aged about 33 years. Considering the relationship between the present applicant and victim who is also on the verge of attaining the majority and considering the fact that now investigation is already completed and charge-sheet is filed, further incarceration of the applicant is not required. Hence, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

(i) The application is allowed.

(ii) The applicant – Dnyaneshwar s/o Keshav Gedam in connection with Crime No.232/2022 registered with Police Station Saoli, District Chandrapur for the offence punishable under Sections 363, 366, 376(2) (n) of the Indian penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012, be released on bail on executing a P.R.Bond in the sum of Rs.25,000/- with one solvent surety, in the like amount.

(iii) The applicant shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case as well as the victim, either personally or by way of electronic media.

(iv) The applicant shall attend the proceedings before the Special Court without seeking any exemption unless there are exceptional circumstances.

6. The contravention of any of the condition imposed by this Court would lead to cancellation of bail.

7. The application is disposed of.

8. The fees of the appointed Counsel be quantified as per rules.

(URMILA JOSHI-PHALKE, J.)

**Divya*