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

BAIL APPLICATION NO.88 OF 2025

Pradip S/o Rangnath Kale
Age: 19 years, Occu.: Education,
R/o. Pachod, Taluka: Paithan,
District Aurangabad.

... Applicant

Versus

1. The State of Maharashtra

2. X.Y.Z. (mother of victim)

R/o. Lane No.1, behind SFS School,
behind RCC Bhanudasnagar,
Chhatrapati Sambhajnagar,
Tq. & Dist. Chhatrapati Sambhajnagar.

... Respondents

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Mr. Rahul P. Mote, Advocate for Applicant

Mr. P.K. Lakhotiya, APP for Respondent No.1 – State

Ms. Mansi Thorat, Advocate (appointed) for Respondent No.2

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 04 MARCH 2025

PRONOUNCED ON : 05 MARCH 2025

PER COURT :-

1. Applicant seeks grant of regular bail on account of his arrest in Crime No.264 of 2024, registered with Jawahar Nagar Police Station, Aurangabad (City), District Aurangabad for the offences punishable under Sections 64, 65(1), 75, 77, 78, 351(2) of the Bharatiya Nyaya Sanhita (BNS) and under Sections 3, 4, 8, 12 of the Protection of Children from Sexual Offences Act, 2012 and under Section 67 of Information Technology Act.

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2. Pointing to the date of arrest of applicant as 29.10.2024, learned counsel submitted that applicant is barely 19 years of age. That, mother lodged report on information allegedly passed to her by her daughter that, she came in contact with applicant on Instagram, and thereafter, there was an exchange of messages. It is alleged that informant-mother learnt from her daughter that applicant took her to the lodge and had sexual intercourse with her. According to learned counsel, it is purely love affair. That, occurrence of July 2024 is reported in August 2024. That, medical history is about sexual relationship, and not forcible act. That, now investigation is over, and charge-sheet is filed, and therefore, according to learned counsel, no purpose would be served by further detention, and as applicant is ready to abide all and any condition imposed by this Court, relief of bail is prayed for.

3. Learned APP as well as learned counsel appointed for informant both have opposed on the ground that victim is minor. She has alleged that victim was taken to various places by threatening to her to make photographs viral and disadvantage has been taken. Both also opposed on the ground that there being every possibility of misuse of liberty.

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4. In answer to above submission regarding misuse of liberty, learned counsel for the applicant submitted that present applicant is resident of Pachod, which is 65 k.m. away from informant's place, and that he will abide condition of not entering the jurisdictional limits of the police station where the informant resides.

5. Heard. Perused the papers. Mother, who set law into motion by approaching Jawahar Nagar Police Station on 29.08.2024 reported that, her daughter studied in 7th standard. On 28.08.2024, while she was using her mobile, she has come across photographs of her daughter in accompany a boy, and they were seen kissing each other, and therefore, she claims to have questioned her daughter, who allegedly reported that two months back, she had received friend request on Instagram and after accepting it, there was chatting on WhatsApp. Girl also told her mother of being called to her, and that she had gone near Gajanan Maharaj Temple, and Ellora caves. She claims to have learnt from her daughter that by threatening her to make photographs viral, called her out and took her to a lodge of which she unable to give details, and then against her wish, he maintained physical relations with her. On above report, crime seems to have been registered.

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6. As pointed out, during medical examination, history is given about being taken to lodge and having consensual physical relations and no history of forcible sexual intercourse. Now, investigation is said to be over, and charge-sheet is already shown to be filed in October 2024 itself. Learned APP as well learned counsel representing victim both have apprehended misuse of liberty and tampering evidence. However, statement is made across the bar by learned counsel for applicant that applicant resides at Pachod and will not enter the vicinity of the informant's residence or the institution where the informant's daughter taking education. Therefore, when no further recovery or discovery is shown to be made at his instance and also considering the age of applicant, relief as prayed deserves to be granted. Hence the following order:

ORDER

- (i) Application is allowed.
- (ii) Applicant Pradip S/o Rangnath Kale, be released on bail in connection with Crime No.264 of 2024, registered with Jawahar Nagar Police Station, Aurangabad (City), District Aurangabad on executing Personal Bond of Rs.15,000/- with one surety in the like amount on following conditions:

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- [a] The applicant shall not tamper prosecution evidence.
 - [b] The applicant shall not enter Aurangabad City, till conclusion of trial, except attending the dates before the trial Court.
 - [c] The applicant shall not enter the vicinity of informant's residence or the institution where the victim girl allegedly takes education.
- [iii] Fees of learned Advocate, who is appointed to represent cause of respondent no.2 is to be paid by the High Court Legal Services Sub-Committee, Aurangabad as per rules.

**ABHAY S. WAGHWASE,
JUDGE**

S P Rane