



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

930 ANTICIPATORY BAIL APPLICATION NO. 99 OF 2025

Akash Prakash Batawale

VERSUS

The State Of Maharashtra And Another

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Advocate for Applicant : Mr. Sharma Kartik Rajesh

APP for Respondents-State: Mr. A.A.A.Khan

Advocate for Respondent No.2 : Ms. Aishwarya C. Deshpande (Appointed)

Advocate for Respondent No.2 : Mr. Vaibhav D. Karande

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CORAM : ARUN R. PEDNEKER, J.

Dated : March 11, 2025.

PER COURT :-

1. Heard learned counsel for the applicant and the learned APP for the respondent-State.

2. The applicant has approached this Court apprehending arrest in connection with FIR No. 0470/2024, registered with Vazirabad Police Station, District Nanded, for the offence punishable under Sections 87, 78, 137 (2) of the BNS and Section 12 of the POCSO Act.

3. By order dated 21/02/2025, this Court granted interim protection to the applicant, referring to paragraphs 3 and 4 as under : -

"3] The allegation against the applicant is that the applicant has taken the victim girl from Nanded to Jalna and made video of the victim girl and he threatened the victim to viral the said video on social media. On the basis of the said allegations, the FIR is registered against the applicant.

4] It appears from the record that the relations between the

applicant and victim girl, aged about 17 years, are consensual. Prima facie it appears that the victim on her own accompanied the applicant to Jalna at the house of the applicant. Thereafter, the victim was taken to the Police Station by the brother and mother of the applicant wherein she was referred to C.W.C.”

4. The learned Counsel for the applicant submits that the applicant has cooperated with the investigation in terms of the interim order passed by this Court. Today, the learned APP placed on record the statement of the victim recorded under Section 164 of the Cr.P.C.

5. This Court granted interim protection to the applicant as the record indicates that the relationship between the applicant and the victim was consensual and *prima facie* it appears that the victim voluntarily accompanied the applicant to Jalna, where she stayed at the applicant's residence.

6. This Court appointed Ms. Aishwarya C. Deshpande to represent respondent No.2. Subsequently, the learned Counsel Mr. Vaibhav D. Karande received instructions to appear for respondent No.2. Accordingly, both were permitted to represent respondent No.2.

7. The learned Counsel Mr. V. D. Karande for the respondent No.2 submits that he would oppose the bail application on instructions. However, considering the observations of this Court in the order dated

21/02/2025, the victim's statement recorded under Section 164 of the Cr.P.C., the absence of any form of assault on the victim, and the *prima facie* finding that the victim accompanied the applicant voluntarily, the interim protection granted to the applicant is confirmed.

8. In view of the above, the application is allowed in the following terms : -

i] In the event the applicant is arrested in connection with FIR No. 0470/2024, registered with Vazirabad Police Station, District Nanded, for the offence punishable under Sections 87, 78, 137 (2) of the BNS and Section 12 of the POCSO Act, they shall be released on bail on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

ii] The applicant shall attend the police station as and when called by the police.

iii] The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.

iv] The applicant shall co-operate with the investigation and also in the proceedings before the trial Court.

9. In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

10. It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

11. The application stands disposed of.

12. Fees of the appointed advocate Ms. Aishwarya C. Deshpande is quantified at Rs.10,000/- (in words rupees ten thousand only), to be paid by High Court Legal Services Sub-Committee, Aurangabad

(ARUN R. PEDNEKER, J.)

vj gawade/-.