



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

937 BAIL APPLICATION NO.217 OF 2025

**CHANDRAKANT KEDAR MOHITE
VERSUS
THE STATE OF MAHARASHTRA & ANOTHER**

...
Advocate for Applicant : Mr.Y.A.Jadhav
APP for Respondent-State : Mr.N.B.Patil
Advocate for Respondent no.2 : Ms.Priyanka S. Sarnaik
...

CORAM : ARUN R. PEDNEKER, J.

DATE : 17.06.2025

P.C. :

1] Heard learned counsel for the applicant, the learned APP for the respondent-State and the learned counsel for the respondent no.2.

2] The applicant is seeking bail as he is arrested on 21.08.2024 in connection with Crime No.0203/2024, registered with Chalisgaon City Police Station, Chalisgaon, for the offence punishable under Section 376 (2) (n), 323, 506 of the IPC, 1890 and Section 4, 6, 8, 12 and 17 of the POCSO Act.

3] It is alleged in the FIR that the age of the victim is 16 years and 4 months and the victim was kidnapped by

the accused persons. It is stated that the victim and accused were traced on 19th August, 2024. Thereafter, on 20th August, 2024, the statement of victim was recorded by the Police wherein she stated that she ran away with Mayur Chandrakant Zodge and stayed with him for three months. It is further stated that the co-accused Mayur assaulted the victim under the influence of liquor and at that time the applicant had saved the victim from Mayur. Thereafter on 21st August, 2024, another statement of victim was recorded wherein she has stated that when the Mayur had gone to work, the applicant by taking undue advantage of the tender age and situation of victim forcefully committed sexual intercourse with her without her consent and even threatened her not to disclose the same to the police. As such, name of the applicant is added in the alleged crime subsequently. Thereafter, the applicant is arrested on 21st August, 2024. The charge sheet is filed in the matter.

4] The learned counsel for the applicant submits that *prima facie* there is consensual relation between the applicant and victim and possibly the relation may be on the pretext that the applicant had saved the victim from Mayur and therefore she has developed sympathy with the applicant. The relation between the applicant and the victim was consensual in nature and there was no force on the part of the applicant.

5] The learned APP submits that by taking undue advantage of tender age of the victim and situation of the victim, the applicant had kept physical relation with her without her consent. There are no antecedents against the present applicant.

6] The learned counsel for the respondent no.2 submits that the applicant is a influential person and he is threatening the victim through another person to withdraw the case. She further submits that the applicant would tamper with the evidence of the prosecution and the applicant should not enter the vicinity where the victim resides in the event of granting bail to the applicant.

7] Having considered rival submissions, *prima facie*, it appears that possibility of consensual relation cannot be ruled out as the victim in her statement has stated that she developed relations with the applicant as he would save her from the alcoholic husband on occasions. The applicant is in custody from 21.08.2024 and the trial Court would take substantial time to conclude the trial. Considering this aspect of the matter, the application is allowed in the following terms :

a] The applicant shall be released on bail in connection with Crime No.0203/2024, registered

with Chalisgaon City Police Station, Chalisgaon, for the offence punishable under Section 376 (2) (n), 323, 506 of the IPC, 1890 and Section 4, 6, 8, 12 and 17 of the POCSO Act, on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

b] The applicant shall not enter vicinity where the victim resides, during pendency of the trial.

c] The applicant, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.

d] The applicant shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court.

e] The applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses and other persons concerned with the case.

f] The applicant, upon being released on bail, shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.

8] Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled. It is also clarified that the observations made in this order are limited to the disposal of the present bail application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

9] The application stands disposed of.

10] Ms.Priyanka S. Sarnaik, learned counsel appointed by this Court to represent the cause of respondent no.2, shall be paid fees of Rs.10,000/- by the High Court Legal Aid Services Sub-Committee, Aurangabad.

[ARUN R. PEDNEKER]
JUDGE

DDC