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

BAIL APPLICATION NO.231 OF 2025

Shidharath S/o Sambhaji Pitlewad

Age: 20 years, Occu.: Labour,

R/o. Ritha, Tq. Bhokar

Dist. Nanded

... Applicant

Versus

1. The State of Maharashtra
Through Police Inspector,
Bhokar Police Station,
Dist. Nanded.

2. XXX.

... Respondents

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Mr. Santosh C. Bhosle, Advocate for Applicant

Ms. Vaishali S. Choudhari, APP for Respondent No.1 – State

Ms. Monica Bagwe, Advocate (appointed) for Respondent No.2

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 02 APRIL 2025

PRONOUNCED ON : 04 APRIL 2025

PER COURT :-

1. Applicant seeks enlargement on regular bail on account of his arrest in Crime No.345 of 2024, registered with Bhokar Police Station, District Nanded for offences punishable under Sections 137(2), 65(1) of the Bharatiya Nyaya Sanhita (BNS) and under Sections 4, 8 and 12 of the POCSO Act.

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2. Learned counsel submitted that, applicant is arrested in above crime on 22.09.2024. Learned counsel pointed out that, FIR is apparently against unknown person. That, victim is said to be 14 years of age. That, applicant is barely 20 years of age and has not criminal antecedents. Learned counsel further pointed out that, in the statement of the victim she stated that, she herself called applicant and not the other way around. He further pointed out that, both applicant and victim were in the company of each other since 05.09.2024 to 21.09.2024, but there were no physical relations. He further pointed out that, moreover, there was love affair. He further pointed out that, now investigation is over, and charge-sheet is filed in November 2024 itself. Therefore, when no recovery or discovery is shown to be made, learned counsel urges for grant of bail on any conditions deemed fit by this Court.

3. Learned APP opposed the bail application on the ground that victim is barely 14 years of age, and therefore, there is no question of her consent or love affair. According to learned APP, statements of victim recorded under Sections 180 and 183 are consistent.

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4. Learned counsel appointed on behalf of respondent No.2 victim also opposed the bail application and submitted that the statement of victim itself shows that applicant lured the victim. According to her, during the period in which the applicant was in the company of the victim, he pressurized the victim, and therefore, she did not give any statement about physical relations That, subsequently she has named applicant. Even she opposes on the ground that victim is minor. On all above premises, she also opposes for grant of bail apprehending misuse of liberty for tampering or pressurize the victim.

5. Heard. Perused the papers. FIR is at the instance of father of victim, who after not finding his daughter in the house lodged missing report resulting into registration of crime i.e. on 19.09.2024. Statement of the victim is recorded on 21.09.2024, wherein she reported that, she is 14 years of the age. She informed that, she got acquainted with present applicant two years back and they have love relations. She further reported that three months back, when she had been to the place of applicant's maternal uncle, while no one was in the house, on promise of marriage, applicant maintained physical relations with her. Thereafter, twice-thrice at his uncle's house, when no

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one was home, there were physical relations with her, although she is unable to remember the exact dates. She further reported that on 15.09.2024, when her parents and brother had been for work, she herself made telephone call to the applicant and called him to the house, and applicant allegedly told her that they elope, and accordingly they went to Kolur in Telangana State by bus, without informing any one, and they stayed in a room of acquaintance of applicant from 15.09.2024 to 20.09.2024. She further reported that, when applicant made a telephone call to his relative, he learnt about report lodged with the police, and then, she and applicant both came and appeared before the police at Bhokar Police Station. She further alleged that since three months back, promising to marry, applicant maintained physical relations with her at his maternal uncle's place.

6. From the above statement of the victim, it appears that, though victim given her age as 14 years, it is clearly emerging from her statement that, she reported about acquaintance and love relations with applicant. She herself seems to have been to his maternal uncle's place and she alleges twice-thrice physical relations being maintained on the promise of marriage, but she

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was unable to give dates regarding eloping from house. She herself has stated that she called the applicant to her place, and thereafter, both of them decided to elope. Accordingly, they went to Kolur in Telangana. As submitted, she has not stated about any physical relations at Kolur during their stay from 15.09.2024 to 20.09.2024. After learnt from the relative of applicant about report being lodged, she and applicant appear to have produced themselves before the police. Applicant is said to be 20 years of the age.

7. Taking the above submissions of the applicant into consideration, as charge-sheet is filed in November 2024, and when no further recovery or discovery is shown to be made, no purpose would be achieved by keeping applicant behind the bars, as there being no prospects of matter going for trial in near future, applicant deserves relief as prayed. Hence, the following order :

ORDER

((i) Application is allowed.

(ii) Applicant be released on bail in connection with Crime No.345 of 2024, registered with Bhokar Police Station, District Nanded 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 the vicinity of informant's residence or the institution where the victim girl allegedly takes education.

[c] The applicant shall not leave the area of jurisdiction of the concerned police station till conclusion of trial.

[d] The applicant shall attend the concerned police station twice in every week i.e. on every Monday and Thursday between 10:00 a.m. to 02:00 p.m. till committal of case and thereafter, shall regularly attend each and every effective date before the trial court.

(iii) Fees of the learned counsel appointed to represent no.2 be paid by the High Court Legal Services Sub-Committee, Aurangabad as per Rules.

**ABHAY S. WAGHWASE,
JUDGE**

S P Rane