



{1}

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

BAIL APPLICATION NO.251 OF 2025

Shravan S/o. Raju Valvi,
Age: 22 years, Occupation: Labour,
Resident of Village Vaghoda,
Taluka and District Nandurbar.

... Applicant

Versus

1. The State of Maharashtra
Through Investigation Officer,
Upanagar Police Station, Nandurbar.

2. X.Y.Z.

... Respondents

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Mr. Sagar S. Ghate, Advocate for Applicant
Mr. N.D. Batule, APP for Respondent No.2 – State
Mr. Kartik Katariya, Advocate (appointed) for Respondent No.2

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 24 MARCH 2025

PRONOUNCED ON : 25 MARCH 2025

PER COURT :-

1. Applicant seeks enlargement on bail in on account if is arrest in Crime no.0312 of 2024 registered at Upanagar Police Station, Nandurbar, District Nandurbar for offence under Sections 376, 376(2)(I), 376(2)(N), 376-3 of the Indian Penal Code and under Sections 4, 5(L), 8 and 12 of the Protection of Children from Sexual Offences (POCSO) Act.

{2}

2. Learned counsel for the applicant submitted that applicant is arrested in above crime on 16.09.2024. That, victim gave her age as 15 years, but there is no proof of age. That, applicant is barely 21 years of age. According to him, from the FIR itself, it is clear that, there is long acquaintance between applicant and alleged victim. He submitted that, there were several sexual encounters, but none of them were against wish or by force so as to attract above sections. He pointed out that only after conceiving and when there was refusing to marry, above report was lodged. He further pointed out that, on account of some health complaint, victim allegedly visited Doctor, who advised her for certain tests, but she did not turn up and visited Doctor again. That, after delivery, above report is lodged. That, now investigation is over, and charge-sheet is already filed in October 2024. Therefore, no further recovery or discovery is shown to be made, and as trial has not yet commenced, learned counsel grant of bail by imposing conditions deemed fit by this Court.

3. Learned APP as well as learned counsel appointed for respondent No.2-victim both have opposed the bail application on the ground that, victim is minor. That, she has given her birth date in the FIR. That, her statement is also recorded under

{3}

Section 164 of the Code of Criminal Procedure, which is consistent, the same is not disputed. That, serious offence is committed. Learned APP apprehends possibility of misuse of liberty for tampering the evidence.

4. Heard. Perused the FIR dated 16.09.2024. Victim, who given her age as 15 years and date of birth as 10.07.2006 reported police that, he studied in 6th Standard. She reported that, since one year back, she came in contact with the present applicant, who used to meet her at a spot where the ladies were answering the call of nature. She reported that, taking disadvantage to such isolated place, on various occasions, he had physical relations with her and asked her not to report to anyone including her parents. Therefore, she did not report to her parents. She further claims that once she feels ill and was taken to the hospital, and Doctor examined and declared that she was two months pregnant. Thereafter, she informed her parents. She further reported that applicant told her parents that he would marry her, and that, conception of victim is from him. Further, after delivery, he allegedly disowned. On above report, crime has been registered and applicant is arrested.

{4}

5. In the statement before the learned Magistrate under Section 164 of the Cr.P.C., she has narrated that, she conceived from the physical relations with the applicant. In the entire charge-sheet, this Court has not come across original birth certificate of the victim, only copies of Aadhaar card and School leaving certificate is gathered by the Investigating Officer. Now, investigation is over and charge-sheet is already filed. Considering the above material, apprehension of misuse of liberty can be taken care of by imposing stringent conditions. Therefore, relief as prayed deserves to be granted. Hence the following order:

ORDER

- (i) Application is allowed.
- (ii) Applicant Shravan S/o. Raju Valvi, be released on bail in connection with Crime no.0312 of 2024 registered at Upanagar Police Station, Nandurbar, District Nandurbar on executing Personal Bond of Rs.15,000/- with one surety in the like amount on following conditions:
 - [a] The applicant shall not tamper prosecution evidence.
 - [b] The applicant shall not enter the Village Vaghoda, Taluka and District Nandurbar or the institution where the victim girl allegedly takes education, till conclusion of trial.

{5}

- [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 Thursday and Monday 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 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