



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

BAIL APPLICATION NO. 378 OF 2025

Nitin s/o Vilas @ Vikas Kalukhe @ Kalokhe

Age: 29 years, Occu.: Agri.,

R/o. Kharadgavan, Tq.Ashti, Dist.Beed.

....Applicant

Versus

1. The State of Maharashtra
Through P.I. Police Station,
Ashti, Tq. Ashti, Dist.Beed.

2. X.Y.Z.

....Respondents

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Advocate for Applicant : Mr. Rajendra G. Hange

APP for Respondent no.1 : Mr.C.VBhadane

Advocate for Respondent no.2 : Ms.Aishwarya Udhav Takale

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 16 APRIL, 2025

PRONOUNCED ON : 17 APRIL, 2025

ORDER :

1. Applicant seeks enlargement on regular bail on account of his arrest in crime no.0119 of 2024 registered at Ashti Police Station, District Beed, for offence under Sections 363, 366-A, 376, 376(2)(n), 506 read with 34 of the Indian Penal Code (IPC) and under Sections 4, 6, 17 of the Protection of Children from Sexual Offences Act (POCSO Act).

2. Learned counsel pointed out that applicant is arrested in above crime on 17-05-2024. That, there are allegations that he had developed relations with a minor and had kidnapped her. According to learned counsel, infact there were relations between the applicant and the girl. He pointed out that FIR is lodged by father of victim on 23-03-2024 and the victim girl allegedly committed suicide on 12-04-2024 while she was in custody of her parents. That, applicant has no nexus with the said suicide. He further pointed out that victim, whose testimony is crucial, is not available. That, investigation is over and chargesheet is filed in June, 2024. That, no further purpose would be achieved by detaining applicant and hence, learned counsel urges for grant of bail.

3. Learned APP opposed application. He submitted that applicant is 30 years of age and he is a married person and had children. That, still he had kidnapped the minor from the custody of parents. That, there are allegations of blackmailing victim by making her nude photogrphas viral. That, serious allegations are levelled against present applicant. That, detail statement of victim has been recorded under Section 164 of the Code of Criminal Procedure, wherein she allegedly reported that there was forcible sexual intercourse with her

without her wish. For all above reasons, learned APP opposes bail application.

4. Learned counsel representing victim has also opposed the application on the ground that victim being a minor, her consent is immaterial and is getting vitiated. Therefore, there is no force in the submission that there were relations between applicant and victim. That, grave offence is committed. That, only because of blackmailing and pressure of applicant, victim committed suicide. That, applicant is solely responsible for the said suicide. Moreover, parents of applicant tried to pressurize for withdrawal of the case. According to her, suicide of victim has no bearing on the merits and entitlement of bail. For all above reasons, she opposes application.

5. Heard. Perused the papers. FIR dated 23-03-2024 is by father of the victim, who reported Police that he had learnt that his daughter had relations with present applicant. Present applicant had come to attend a marriage ceremony and had stayed with his relatives, who are neighbours of informant. That, his daughter went missing and therefore, he lodged report. Statement of victim is also recorded on 24-03-2024. She has sated that on 22-02-2024, while

she was sitting in front of their house, present applicant asked her whether she wants to come to his village and on her own accord and wish, she went with applicant, stayed upto 23-03-2024 and from there, they went to Ahmednagar, stayed there at his sister's place and then she came back.

Chargesheet shows that the minor girl committed suicide by hanging. Subsequently, charge to that extent is added.

6. Learned APP pointed out that trial is in progress. That, evidence of panch witnesses are already recorded. That, matter is posted for recording evidence of informant on 25-04-2025. Precisely taking the same into account, as trial has commenced, this Court is not inclined to grant relief as prayed. Hence, following order :

ORDER

Bail Application is rejected.

(ABHAY S. WAGHWASE)
JUDGE