



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

986 BAIL APPLICATION NO. 1290 OF 2025

**SOMNATH PRAKASH CHAVAN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Mr. P. G. Tamjade h/for Mr. Nandkumar Y. Kingaonkar, Advocate for Applicant

Mr. N. B. Patil, APP for Respondents/State

Mr. Tambe Sachin Sudarshan, Mr. Rathod Sandip P. And Ms. Awchar Shilpa L, Advocate for Respondent No.3

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CORAM : SANJAY A. DESHMUKH, J.

DATE : 03.09.2025

PER COURT :-

1. This is an application for granting regular bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Crime No.33 of 2025 registered at Chalisgaon (Rural) Police Station, Dist. Jalgaon, for the offences punishable under Sections 64(2)(m), 351(2) of the Bhartiya Nyaya Sanhita, 2023 and under Sections 4, 8 and 12 of the POCSO Act, 2012. The applicant's application bearing Special Case No.90 of 2025 with similar prayer came to be rejected by the learned Special Judge (POCSO), Jalgaon, vide order dated 03.06.2025.

2. The learned advocate for the applicant pointed out the report in which the informant averred that there was love affair between her and the applicant. The informant is 17 years old girl. The informant

stated in report that on 07.10.2024, the applicant called her in his house and committed sexual intercourse with her against her will. The learned advocate submits that the informant and the applicant were in a consensual relationship and as a result of which the informant became pregnant. Thereafter, an FIR was lodged. It is further submitted that this is a case of pure love and there is no element of rape as alleged by the informant in the complaint. In support of his argument, reliance is placed on the affidavit filed by the informant. The learned advocate for the applicant submits that the applicant is willing to marry the informant as soon as she attains the age of 18 years.

3. The learned APP strongly opposed the application and submitted that the applicant had threatened the informant, which compelled her to file an affidavit and give consent for granting bail. He, therefore, submitted that the application be rejected.

4. Perused the charge sheet, particularly the report and statements of witnesses. The victim girl is present in the Court. She submits that she is ready to perform the marriage with the applicant. Considering the fact that it is a case of pure love and the applicant is willing to marry with the informant after she attains the age of 18 years, it would be proper to release the applicant on bail subject to certain conditions. Hence, the following order:

ORDER

- a. The application is allowed.
- b. The applicant in connection with Crime No.33 of 2025 registered at Chalisgaon (Rural) Police Station, Dist. Jalgaon, for the offences punishable under Sections 64(2)(m), 351(2) of the Bhartiya Nyaya Sanhita, 2023 and under Sections 4, 8 and 12 of the POCSO Act, 2012, be released on bail on furnishing personal bond of Rs.15,000/- with one surety of the like amount.

[SANJAY A. DESHMUKH, J.]

HRJadhav