



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

955 BAIL APPLICATION NO. 1388 OF 2025

Sanjay Prakash Sonkamble

VERSUS

The State Of Maharashtra And Others

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Advocate for Applicant : Mr. Shinde Ram S.

APP for Respondents-State: Mr. G. O. Wattamwar

Advocate for Respondent No.3 : Ms. Tejasvini Raut (Appointed)

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CORAM : ARUN R. PEDNEKER, J.

Dated : August 05, 2025.

PER COURT :-

1. Heard the learned counsel for the applicant, the learned APP for the respondent-State, and the learned appointed counsel for respondent No.3.
2. The applicant is seeking bail in connection with FIR No. 82/2025, registered at Police Station Udgir (City), District Latur, for the offences punishable under Sections 64 and 137(2) of the *Bharatiya Nyaya Sanhita*, and Sections 4 and 6 of the *Protection of Children from Sexual Offences Act, 2012* (POCSO Act).
3. It is alleged that on 17/03/2025, the mother of the victim lodged a missing person report regarding her minor daughter. During investigation, the victim was traced on 19/03/2025 and found in the company of the present applicant. In her statement recorded under Section 183 of the *Bharatiya Nagarik Suraksha Sanhita* (BNSS), the victim stated that she had travelled with the applicant to Mumbai, where they stayed together and had physical relations. The record indicates that at the relevant time, the victim was aged 16 years and 4 months.

4. The learned counsel for the applicant submitted that the relationship between the applicant and the victim was consensual. He contended that the victim, in her voluntary statement under Section 183 of BNSS, has admitted to willingly accompanying the applicant and engaging in physical relations with him. He further submitted that there was no element of force or coercion involved, and hence, no offence under the POCSO Act is made out. It was also submitted that investigation is complete and the charge-sheet has been filed, and hence continued custody of the applicant is not warranted.

5. Per contra, the learned APP strongly opposed the application for bail. He submitted that the victim was admittedly a minor at the relevant time, and therefore, her consent is legally immaterial in the eyes of law. He argued that the applicant took the victim away from her lawful guardianship, travelled with her to Mumbai, and established physical relations with her, which clearly attracts the rigours of Sections 4 and 6 of the POCSO Act. The learned APP emphasized that offences under the POCSO Act are of a serious nature and carry stringent punishment. He also expressed apprehension that if released on bail, the applicant may influence the victim or other prosecution witnesses, thereby affecting the fairness of the trial.

6. On consideration of the rival submissions and upon perusal of the material on record, it appears that the victim had voluntarily accompanied the applicant and both travelled to Mumbai. It is evident from her statement that there was a consensual relationship between the two. Although the victim was a minor, she was aged 16 years and 4 months and appears to have acted with sufficient maturity and understanding. The investigation is complete and charge-sheet has already been filed. There is no material to suggest that the applicant may abscond or tamper with the evidence. Therefore, this Court is of the opinion that custodial detention of the applicant is no longer necessary.

7. In view of the above, the application is allowed in the following terms: -

a] The applicant shall be released on bail in connection with FIR No. 82/2025 dated 17/03/2025, registered at Police Station Udgir (City), District Latur, on furnishing a personal bond of Rs.25,000/- (Rupees Twenty-Five Thousand only) with one or two sureties of the like amount, to the satisfaction of the trial Court.

b] The applicant shall not contact the informant or the victim in any manner whatsoever during the pendency of the trial.

c] The applicant shall regularly attend the proceedings before the trial Court on each and every date, unless specifically exempted by the Court.

d] The applicant shall not tamper with the prosecution evidence or influence the witnesses in any manner.

e] The applicant shall furnish his contact number and complete residential address before the trial Court and shall keep the Court informed of any change therein.

8. Needless to state, if any of the above conditions are violated, the prosecution shall be at liberty to move for cancellation of bail. It is further clarified that the observations made in this order are limited to the adjudication of the present bail application, and the trial Court shall not be influenced by the same while deciding the case on merits.

9. Fees of the appointed advocate for respondent No.3 is quantified at Rs.10,000/- (Rupees Ten Thousand only), which shall be paid by the High Court Legal Services Sub-Committee, Aurangabad.

10. Bail Application stands disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.