



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

BAIL APPLICATION NO. 1983 OF 2025

AJAY GAJANAN DHOKE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Sunil B. Surse
APP for Respondent No.1 : Mr. V. M. Chate
Advocate for Respondent No.2 : Mr. Jitendra S. Jain
...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 04-12-2025

PER COURT:-

1. The applicant seeks bail in Crime No.414 of 2025 dated 30.04.2025, registered with M.I.D.C. Waluj Police Station, District Chhatrapati Sambhajnagar, for the offences punishable under Sections 64(2)(m) of the Bharatiya Nyaya Sanhita, 2023 and Sections 4 and 8 of the Protection of Children from Sexual Offences Act, 2012 and Section 3(1)(w)(ii), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. Heard the learned counsel for the applicant, the learned A.P.P. for the State and the learned counsel for the victim. Perused the record made available.
3. The case of the prosecution is that the victim is aged 17 years. The informant is the mother of the victim. It is alleged that

the victim had been acquainted with the applicant for about one year. On an earlier occasion, the informant warned the applicant that the victim was a minor, and therefore, instructed to stay away from the victim.

4. However, on date 10.03.2025, the victim was supposed to get her menstrual period. Having waited for few weeks, finally on 25.04.2025, the informant tested the victim with a pregnancy kit and discovered that the victim was pregnant. Therefore, on inquiry, the victim revealed to the informant that in the month of March, 2025, the applicant allegedly had physical relationship with her while the informant was out for work. Accordingly, the first information report came to be lodged.

5. Learned counsel for the applicant submits that the victim in her statement to police, has admitted to be in love with the applicant and were living together for a brief period. It is further submitted that the informant intended to abort the pregnancy which was refused by the applicant. Therefore, the applicant is falsely implicated in the crime. The applicant is arrested on 30.04.2025 and since then is behind bars. The investigation is completed. It is further submitted that the applicant intended to marry the victim and had consented the same. Thus, the alleged act is of consensual in nature. Hence, prayed to release the applicant on bail.

6. Learned A.P.P. opposed the application and contended that the victim is a minor girl. The applicant established sexual relationship with the victim twice, resultantly, the victim became pregnant. Thus, there is *prima facie* strong evidence against the applicant. Hence, the applicant may not be released on bail.

7. Admittedly, the informant was aware of the relationship between the victim and the applicant. The victim, in her statement, admitted that she was in love and in a relationship with the applicant with whom she resided for a period one and half year. It is further admitted that the said boy intended to marry with the victim. However, the informant, on account of pregnancy and minority, lodged the first information report.

8. Considering the aforesaid statement, it is evident that the victim was conscious and has conscious participated in the alleged act. Perusal of the statement of the victim and considering the period of relationship, it appeared the victim to be aware of about the consequences of her act. Thus, there appears no coercion, inducement or compulsion exercised by the applicant upon the victim.

9. Furthermore, the investigation of the crime has been completed. There is nothing to be recovered at the instance of accused. Moreover, the applicant is behind bars since 30.04.2025. Hence, no fruitful purpose would be served by keeping the

applicant behind the bars. The applicant deserves to be released on bail by imposing stringent conditions.

10. Hence, the following order:-

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant - Ajay Gajanan Dhoke be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of the like amount in the above crime, on the conditions that;
 - (a) The applicant shall not tamper with the prosecution witnesses and shall attend the trial on each and every date.
 - (b) The applicant shall not contact the victim in any mode or manner till the conclusion of the trial.
 - (c) The applicant shall not enter the village Kamlapur, Taluka Gangapur, District Chhatrapati Sambhajinagar, till the conclusion of the trial.
- (iii) It is made clear that above observations are restricted to this bail application only.

[SACHIN S. DESHMUKH]
JUDGE