



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.2029 OF 2024

Balwant Rai Gopal Rai Rajbhar,
Age : 21 years, Occu. : Labour,
R/o. Gaighat, Chakiya Chandoli,
Mubarakpur Panchshilnagar, U.P.

... Applicant

Versus

1. The State of Maharashtra,
Through Police Inspector,
Shrigonda Police Station,
Tq. Shrigonda, Dist. Ahmednagar.

2. X.Y.Z.

... Respondents.

.....
Mr. Rahul R. Karpe, Advocate for Applicant.
Mr. N. D. Batule, APP for Respondent – State.
Mr. Sachin S. Panale, Advocate for Respondent No.2.
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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 21 FEBRUARY, 2025

PRONOUNCED ON : 24 FEBRUARY, 2025

ORDER :

1. Present application is for grant of bail on account of arrest of applicant in Crime No.545 of 2024 registered at Shrigonda Police Station, Dist. Ahmednagar for commission of offence punishable under sections 376(2)(j)(n), 366-A, 363, 323, 506 of Indian Penal Code (IPC) and sections 3, 4, 5(L) and 6 of the Protection of Children from Sexual Offences Act (POCSO).

2. Learned counsel for applicant submitted that, applicant is arrested in above crime in June 2024 i.e. in FIR registered on

29.05.2024. He further submitted that, victim is over 17 years of age. That, there was deep love between applicant and victim. Learned counsel submitted that, there are photographs on record which show that there was intimacy. That, victim moved willingly to various places with applicant. That, there was no resistance. That, subsequently on pressure exerted by parents, she has given false statement. That, as applicant is behind bars since more than six months and charge sheet having been filed, learned counsel seeks grant of bail.

3. Both learned APP as well as learned counsel for respondent no.2 opposed on the ground that, victim is apparently minor. Therefore, there is no question of love or consent or resistance. They pointed out that, applicant had videographed the victim while she was taking bath, and thereafter, he issued threats to post it and make it viral and as such there is blackmailing. That, serious crime is committed on a minor. Learned APP apprehends the possibility of misuse of liberty as applicant is from Uttar Pradesh. For above reasons, they both opposed grant of bail.

4. Heard. Perused the papers. Father seems to have lodged report that, on 28.05.2024, his daughter went missing from the house. He claims to have learnt from his son about seen his daughter proceeding on a motorcycle bearing no.MH-12-BW-7197 and was therefore given chase up-till Daund village. But, thereafter, they

were not found. On above report, initially crime for kidnapping was registered. Statement of victim is recorded on 13.06.2024 and she stated that applicant was engaged as a servant with them and he was also put up in a shed near her house. She stated that, he had snapped her photographs and videos while she was bathing and changing clothes and showing it to her and he started demanding sexual relations with her. She has stated that he also threatened to make the said photographs and videos viral in the village. In February, when no one was in the house, she claims that he had forcibly intercourse with her against her wish and repeated it twice - thrice. On 29.05.2024, he kidnapped her from the house and took her to Uttar Pradesh.

5. Therefore, apparently, victim is 17 years of age and has not attained the age of majority. She reported that, her photographs, while she was changing clothes and taking bath, are taken in the mobile, and thereafter, blackmailed her. Both learned counsel for applicant as well as learned APP has placed photographs on record. Considering the nature of allegations and when age of victim is not under challenge, though charge-sheet is filed, this court is not inclined to grant relief as prayed.

6. The application stands rejected.

(ABHAY S. WAGHWASE, J.)