



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2248 OF 2024

Chakradhar Dattatray Bhutale,
Age : 25 years, Occu. : Agriculture,
R/o. Village - Bhutan Hippraga,
Taluka Degloor, Dist. Nanded.

... Applicant

Versus

1. The State of Maharashtra,
Through Superintendent of Police,
Nanded, Tq. & Dist. Jalgaon.
2. The Investigation Officer of
Markhel Police Station, Markhel,
Tq. Degloor, Dist. Nanded.

3. X.Y.Z.

... Respondents.

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Mr. Sanadkumar Wamanrao Shinde, Advocate for Applicant
Mr. N. D. Batule, APP for Respondent - State
Ms. Gouri J. Kulkarni, Advocate for Respondent No.3 (Appointed)

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 09 JANUARY, 2025

PRONOUNCED ON : 13 JANUARY, 2025

ORDER :

1. This is an application for regular bail in consequence to offence registered at Markhel Police Station, Dist. Nanded in Crime No.0254 of 2024 for offence punishable under sections 75, 78, 333, 351(2), 351(3) of the Bharatiya Nyaya Sanhita and under sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. It is submitted that, applicant is arrested on 10.11.2024. Inviting attention of this court to the FIR, learned counsel submitted that, victim is 17 years and 9 months old i.e. few months short of 18 years. That, there was acquaintance and love affair. That, when parents came to know about it, above report has been lodged after pressurizing the victim. That, there was no previous complaint of any sort. That, now investigation is over and according to learned counsel, no purpose would be served by continuing the detention of the applicant and further, there are no immediate prospects of matter going for trial.

Learned counsel seeks reliance on orders of this court dated 20.06.2024 in Bail Application No. 525 of 2024 and order dated 22.10.2020 in Bail Application No. 1139 of 2020 as well as judgment of this court dated 03.08.2015 in Bail Application No.1036 of 2015 and judgment dated 30.06.2020 in Criminal Appeal No. 300 of 2020.

3. Learned APP pointed out that, date of birth of victim is 20.02.2008. Since one year prior to report, victim was often approached and harassed by present applicant. That, there were love proposals, but it were never reciprocated by victim. She had

reported parents about she being followed and harassed while on way to college. That, because of harassment, victim has stopped taking education. By threatening her, above offence has been committed and therefore, considering the nature of allegations and victim to be minor, learned APP prays to reject the application.

4. Learned counsel for victim also opposed on the ground that, victim reported about she being followed since one year. Applicant accused resides just behind her house. That, there was continuous harassment by obstructing her way. That, there were threats to make acid attack. Therefore, she being minor, there is no question of her consent as alleged. According to learned counsel, it is a serious offence and there is every possibility of misuse of liberty, applicant being resident of same area.

5. Perused the FIR at the instance of informant victim, who reported that she was studying in 11th standard. In initial part, she reported that while she went to college, applicant intercepted her way and used to extent proposal to marry him, threatening to kill her father, and as such, out of fear, she had stopped going to college. She also reported about it to her parents. It is further informed that, on intervening night of 07.11.2024 and 08.11.2024, at around 1:00 a.m., while she was sleeping with her

grandmother on the terrace, and when her grandmother left for urination, she has alleged that, applicant who was hiding himself, slept on her person, and when she questioned him, he tried to press her mouth, but she managed to raise hue and cry, as a result of which her family members came there. She has alleged that, when her father tried to catch hold of applicant, he issued threats to throw acid and therefore, accompanied by her parents, she lodged the above report.

6. Date of birth certificate of victim gathered by Investigating Officer shows her date of birth to be 20.02.2008. Before learned Magistrate when her statement was recorded, she appears to have told her age as 17 years and 9 months. Incident in question has taken place on the night of 07.11.2024. Case set up by applicant is of previous acquaintance and love affair. Learned counsel also has placed on record photographs of both applicant and victim to be in each others company and purported letter written by victim. Taking the same into consideration and when there is no previous reporting about obstruction of way in spite of parents knowing it, and further, as nothing is shown to be yet recovered or discovered at his instance as well as nature of allegations, relief as prayed deserves to be granted. Hence, the following order is passed :-

ORDER

- (i) Application is allowed.
- (ii) Applicant Chakradhar Dattatray Bhutale be released on bail in connection with Crime No. 0254 of 2024 registered with Markhel Police Station, Dist. Nanded on executing P.B. of Rs.15,000/- with one surety in the like amount.
- (iii) Applicant shall attend the concerned police station as and when called by the Investigating Officer and shall co-operate in the investigation.
- (iv) Applicant shall not tamper prosecution evidence.
- (iv) Applicant shall not enter in the vicinity of Bhutan Hipparga village, Tq. Deglur, Dist. Nanded, till conclusion of the trial.
- (v) Fees of learned Advocate, who is appointed to represent cause of respondent no.3 is to be paid by the High Court Legal Services Sub-Committee, Aurangabad as per rules.

(ABHAY S. WAGHWASE, J.)