



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

938 ANTICIPATORY BAIL APPLN. NO. 2109 OF 2024

**ATISH SOMANATH KALANE
VERSUS
THE STATE OF MAHARASHTRA & ANOTHER**

...

Advocate for Applicant : Adv.V.S.Wakale h/f.
Mr.S.G.Ghongade

APP for Respondent-State : Ms.Neha B. Kamble
Advocate for Respondent no.2 : Mrs.Namita Sirdeshpande
[Appointed]

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 18.02.2025

P.C. :

1] Heard learned counsel for the applicant, the learned APP for the respondent-State and the learned counsel for the respondent no.2.

2] The applicant is apprehending arrest in connection with Crime No. 0886/2024, registered with Shrigonda Police Station, Taluka Shrigonda, District Ahmednagar, for the offence punishable under Sections 137 (2), 64 (2) (m), 96 of B.N.S. and Sections 4, 6, 8 and 12 of the POCSO Act.

3] This Court, by order dated 14.01.2025, has granted interim protection in favour of the applicants by noting submissions and reasons at para nos. 3 and 4, as noted below :

3. *Perused the statement under Section 183 of the Bhartiya Nagrik Suraksha Sanhita. From the same, prima facie it appears that the informant was in the company of the applicant, and she has also stated that on account of the inducement of marriage, there were physical relations two to three times at Aurangabad between the applicant and the victim. It is also stated that the informant does not wish to marry the applicant.*

4. *It is not the case of the victim that she has been detained or that physical relations were maintained against her will. Prima facie, it appears that the relationship between the applicant and the victim was consensual. At this moment, it is difficult to conclude that the applicant forced the victim.*

4] The learned counsel for the applicant submits that in pursuance of the order dated 14.01.2025 passed by this Court, the applicant has remained present before the investigating officer and has co-operated with the investigation.

5] Considering that *prima facie* the relationship between the applicant and the victim was consensual,

interim protection granted by order dated 14.01.2025 stands confirmed, in the following terms :

i] The applicant shall attend the concerned police station as and when required by the investigating officer.

ii] The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.

iii] The applicant shall co-operate with the investigation and also in the proceedings before the trial Court.

6] In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

7] It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

8] The application stands disposed of.

9] Mrs.Namita Sirdeshpande, learned counsel appointed by this Court to represent the cause of respondent no.2, shall be paid fees of Rs.10,000/- by the High Court Legal Aid Services Sub-Committee, Aurangabad.

[ARUN R. PEDNEKER]
JUDGE

DDC