



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.2307 OF 2024

Yogesh Rajeshwar Debadwar,
Age : 32 years, Occu. : Education,
R/o. Yashwant Society, Udgir,
Tq. Udgir, Dist. Latur.

... Applicant

Versus

1. The State of Maharashtra,
Through Udgir (Rural) Police Station,
Udgir, Dist. Latur.

2. X.Y.Z.

... Respondents

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Mr. D. S. Kudle, Advocate for Applicant.

Mr. V.M. Chate, Advocate for Respondent – State.

Ms. Laxmi Thakur, Advocate for Respondent No.2 (Appointed)

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 25 MARCH, 2025

PRONOUNCED ON : 27 MARCH, 2025

ORDER :

1. Instant application is for enlargement on regular bail on account of arrest of applicant in Crime No.0506 of 2024 registered at Udgir (Rural) Police Station, Tq. Udgir, Dist. Latur for offence punishable under sections 64(2)(i)(m), 115(2), 351(2), 352 of Bharatiya Nyaya Sanhita, 2023 and under sections 4, 6 and 8 of the Protection of Children From Sexual Offences Act, 2012.

2. It is pointed out that, applicant is arrested in above crime on 12.09.2024. That, there are allegations of committing forcible intercourse, but such allegations are false. He pointed out that, there was love relations between victim and applicant. That, informant was neighbour of applicant. That, they have together moved to various places. That, there was no force. That, only two instances are quoted, which allegedly took place one year back. That, victim is more than 18 years of age. Now, investigation is over and charge sheet is already filed in October 2024 itself. He pointed out that, on many dates matter is only shown at the stage of framing charge, but no charge is framed. Therefore, applicant being behind bars since more than six months and when no further recovery or discovery is to be made, learned counsel seeks grant of bail.

3. Learned APP opposed on the ground that, serious offence is committed. That, victim herself, who is just 18 years and few months old at the time of lodging report, has narrated about sexual harassment and abuse since one year. Thus according to him, at the time of incident victim was minor. That, initially applicant was neighbour. He is 30 years of age. He started issuing threats to kill her father and started abusing her parents. Further according to learned APP, now charge will be framed and as such trial itself would come to an end in near future.

4. Learned counsel on behalf of informant has also strongly opposed by tendering affidavit contending that she was forced upon and even threatened. That, at the time of incident, she was minor. Extract of school register is handed over to the Investigation Officer. For above reasons, application is opposed.

5. Heard. Perused the papers. FIR dated 19.09.2024 is at the instance of victim, who gave her age as 18 years and two months. She reported that, one and half years back, applicant came to reside in her neighbourhood and as such there was acquaintance. She claims that, after six months acquaintance, applicant expressed his love and even took her for outing and after eating ice-cream, he took her in a shop, pulled down the shutter and she claims that she was sexually abused. When she cried, she claims he threatened her and subsequently after few days he allegedly forcibly took her to the flat of his friend and had forceful intercourse with her. When she shifted to Latur for education, he came there on 12.08.2024 and intercepted her way and forcibly took her by issuing threats to burn her down. With such allegations she lodged report.

6. Applicant is behind bars since 12.09.2024.

Investigation is over and charge sheet is filed. Learned APP has pointed out that matter is at the stage of framing charge. Submissions are made by learned counsel that such stage since long. Daily status of case shown matter was on the board on 24.03.2025 and accused is shown to be absent when called out and there is no application on record. Therefore, when matter is on the verge of trial coupled with the nature of allegations, this court is not inclined to grant bail.

7. The application stands rejected.

8. Fees of learned Advocate, who is appointed to represent cause of respondent no.2 is to be paid by the High Court Legal Services Sub-Committee, Aurangabad as per rules.

(ABHAY S. WAGHWASE, J.)