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

BAIL APPLICATION NO.2360 OF 2024

Mr. Sunil Vishwanath Bele
Age: 25 years, Occu.: Labourer & Agri.,
R/o. Dhamangaon, Tq. Basmath,
Dist. Hingoli ... Applicant

Versus

1. The State of Maharashtra
Through Police Inspector,
Vazirabad Police Station, Nanded
District Nanded.
2. The Superintendent of Police,
Nanded, Tq. & Dist. Nanded.
3. X.Y.Z. ... Respondents

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Mr. Amol G. Kale, Advocate for Applicant
Mr. S.B. Narwade, APP for Respondent – State
Mr. A.D. Hande, Advocate for Respondent No.3- Informant
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CORAM : ABHAY S. WAGHWASE, J.
RESERVED ON : 19 MARCH 2025
PRONOUNCED ON : 20 MARCH 2025

PER COURT :-

1. Applicant seeks grant of regular bail on account of his arrest in Crime No.0264 of 2024, registered at Vazirabhad Police Station, District Nanded for offences punishable under Sections 4, 6, 8 and 12 of the POCSO Act and under Sections 376, 376(2) (n) and 506 of the Indian Penal Code (IPC).

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2. Learned counsel for the applicant submitted that applicant is arrested in the above crime on 17.06.2024, and he is behind the bars since then. He pointed out that victim, on whose statement, crime is registered is already 17 years of age and is adolescent. Learned counsel took this Court through FIR and stated that, it is clear that, there is no force by applicant rather victim has herself accompanied applicant at various places. He pointed out that contents of report are distinct than statement made under Section 164 of Cr.PC. That, there was long acquaintance, and subsequently, at the instance of family members, allegations are levelled about threat. Learned counsel pointed out that in medical papers victim herself has reported examining Doctor about previous seven unprotected sexual intercourse. He further pointed out that investigation is over, and charge-sheet is already filed in August 2024 itself. That, the applicant is also a young boy of 24 years of age, and as he undertakes to abide all any conditions imposed by this Court, learned counsel urges for grant of bail.

3. Learned APP as well as learned counsel for respondent No.3-victim both have strongly opposed on the ground that, victim is minor. That, serious offence is committed. That, at the

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time of first occurrence, the victim was barely 16 years of age. That, her off scene photographs are taken and the same are used for blackmailing and extorting money, and therefore, with such serious allegations, they also apprehended misuse of liberty, and thereby opposed any relief.

4. Heard. Perused the papers. Victim has lodged report on 06.06.2024 giving her age as 17 years and 11 months and some days old. Substance of FIR is that, her date of birth is 26.06.2006, and she was studying in 12th standard by staying in Hostel. She claims to be acquainted with the present applicant, who is resident of their village and visiting their house and gaining the trust of her parents and even coming to meet her at Nanded. She also stated that, in June 2023, he took her to the Hotel and lured her and had forceful sexually intercourse with her in spite of her resistance. He also assured her to marry her and also took her photographs and started blackmailing her and finally demanding money for deleting the said photographs. She reported that, two months back, her grandfather came across her nude photographs, and therefore, above report has been lodged alleging forceful sexual intercourse since 27.06.2023 to 06.06.2024.

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5. As pointed out, her medical examination was done at Government Medical College, Nanded on 11.06.2024. Victim herself has given detail history of her acquaintance and about having seven protected sexual intercourse, but again alleges that, by threatening to make her photographs and videos viral, he committed sexual intercourse with her. Apparently, as pointed out that victim is over 17 years of age, and she has accompanied applicant to lodges and hotels. She has alleged that, she was lured, but on what count has not clarified by her. Moreover, as pointed out, what is stated by her in the statement under Section 164 of Cr.P.C. regarding her drink being laced does not find place in the FIR. Therefore, as submitted, this is an improvisation to that extent. Even there is delay in reporting and rather only when victim's grandfather saw her photos.

6. Taking the medical history and above discussion and when investigation is over, and no further recovery or discovery is shown to be made at his instance and also considering the age of the applicant, and also taking into consideration apprehension of misuse of liberty, this Court is inclined to grant bail by imposing stringent conditions. Hence the following order:

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ORDER

- (i) Application is allowed.
- (ii) Applicant Sunil Vishwanath Bele, be released on bail in connection with Crime No.0264 of 2024, registered at Vazirabhad Police Station, District Nanded on executing Personal Bond of Rs.15,000/- with one surety in the like amount on following conditions:
- [a] The applicant shall not tamper prosecution evidence.
- [b] The applicant shall not enter the vicinity of Dhamangaon, Tq. Basmath, District Hingoli or the institution where the victim girl allegedly takes education.
- [c] The applicant shall not leave the area of jurisdiction of the concerned police station till conclusion of trial, except attending the dates before trial Court.
- [d] The applicant shall attend the concerned police station twice in every week i.e. on every Thursday and Monday and maintain personal diary of his attendance till committal of case and thereafter, shall regularly attend each and every effective date before the trial court.

**ABHAY S. WAGHWASE,
JUDGE**