



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.541 OF 2025

Nikhil Madhav Chandapure,
Age : 20 years, Occu. : Education,
R/o. Pimpalgaon, Tq. Hadgaon,
Dist. Nanded.

... Applicant
(Orig. Accused)

Versus

1. The State of Maharashtra,
Through Police Station Officer,
Pundalik nagar police Station,
Tq. And Dist. Aurangabad.

2. XYZ.

... Respondents

.....
Mr. Kiran P. Rathod, Advocate for Applicant.
Mrs. Vaishali S. Chaudhari, APP for Respondent - State.
Mr. Narayan Y. Chavan, Advocate for Respondent No.2.
.....

CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 02 MAY 2025

PRONOUNCED ON : 05 MAY 2025

ORDER :

1. This is a regular bail application on account of arrest of applicant in Crime No.0396 of 2024 registered at Bhokar police station, Dist. Nanded for offence punishable under sections 64(2) (M), 65(1), 137(2) and 49 of Bharatiya Nyaya Sanhita and under sections 4, 6 and 17 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel pointed out that, applicant is arrested in above crime on 18.10.2024 and he is behind bars since then. That, there are allegations of kidnapping. That, there are allegations of sexual assault in a vehicle. In fact there was love relations and photographs to that extent are placed on record. That, applicant is barely 20 years of age. That, charge sheet is filed in December 2024. That, there are no immediate prospects of matter going for trial and hence bail is urged for. Learned counsel seeks reliance on orders of this court bearing Bail Application No.1139 of 2020, Bail Application No.525 of 2024 and Criminal Bail Application No.3899 of 2024.

3. Learned APP as well as learned counsel for informant, both opposed on the ground that, victim is a minor. That, there are allegations of forceful relations. Learned APP pointed out that medical evidence is positive. That, statement of victim is consistent about forceful sexual relation. For all above reasons they both opposed the relief.

4. Heard. Perused the FIR dated 18.10.2024. On going through the report, which is at the instance of victim, it is emerging that, victim, who gave her age as 14 years and 11 months, reported that, in October 2024 she was facing exams.

That, on 17.10.2024, when she and her cousin went to school in a rickshaw and thereafter around 12:00 noon, when they were visiting tailor, a white Tata sumo vehicle came near them, which was driven by one Sudarshan and his friend Nikhil i.e. present applicant, who got down, pressed her mouth and forced into the vehicle and she has alleged that she was taken 'T' point, near a temple and there against her wish, she has alleged that, she was disrobed and sexually ravished. On above report, crime has been registered. Medical papers placed on record suggests evidence of sexual intercourse. Therefore, though applicant claims love relations, in view of statement about forcibly brought in a vehicle and forceful sexual relations maintained, though charge sheet is filed, this court does not find it a fit case to grant relief. Hence, I proceed to pass the following order :-

ORDER

The application stands rejected.

(ABHAY S. WAGHWASE, J.)