



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO. 14 OF 2025

Ashish Raju Dinkar

.Vs.

State of Maharashtra and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Mr A.V. Karnavat, Advocate for the applicant.

Mr U.R. Phasate, APP for State.

Mr. S.Kanetkar, Advocate for non-applicant No.2.

CORAM : G.A. SANAP, J.

DATE : 05.02.2025

Heard.

2. By this application, the applicant has prayed for anticipatory bail in Crime bearing No. 414 of 2024 registered at Dahihanda Police Station District Akola for the offence punishable under Section 137 of the Bhartiya Nyay Surkasha Sanhita, 2023.

3. Learned Advocate for the applicant would submit that the victim was a consenting party. The accused and the victim had love affair. The victim girl, on her own, accompanied him to various places. Learned Advocate would submit that since the victim was consenting party, the prayer for anticipatory bail, may not be rejected.

4. Learned APP and learned Advocate for non-applicant No.2 submit that the victim, on the date of the crime, was below 18 years of age and as such the defence of the consent is absolutely immaterial. They would further submit that the accused committed penetrative sexual assault on the victim on multiple occasions. The articles are to be recovered. No case has been made out for anticipatory bail.

5. I have gone through the record and proceedings. The victim, as per the case of the prosecution, was below 18 years of age. In view of this position, the defence of consensual act is not available to the accused. The victim in her statement, recorded by the Magistrate, has narrated the entire incident in great details. Perusal of her statement would show that on multiple occasions she was subjected to penetrative sexual assault. The offence is very serious. . Investigation is in progress. In my opinion, in such a crime grant of anticipatory bail may hamper the investigation. Custodial interrogation is necessary in such a crime. The defence of the accused cannot be considered at this stage.

6. In my view, this is not a fit case to grant anticipatory bail. Accordingly the application is **rejected**.

7. The Criminal Application stands **disposed of** accordingly.

(G. A. SANAP, J.)

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