



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO.95 OF 2025

Dilkhush s/o Vilas Bure

Vs.

State of Maharashtra, through Police Station, Gadchiroli,
District Gadchiroli and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Rajnish Vyas, Counsel for the applicant.

Ms. M. A. Barabde, APP for the non-applicant No.1/State.

Ms. Radha M. Mishra, appointed Counsel for the non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 28/02/2025

1. The present application is filed by the applicant for grant of bail in connection with Crime No.661/2024 registered with Police Station, Gadchiroli, District Gadchiroli for the offence punishable under Sections 376, 376(2)(j), 376(2)(n), 417 of the Indian Penal Code and under Sections 4 and 6 of the Protection of Children from Sexual Offences Act.

2. Heard learned Counsel for the applicant who submitted that the crime is registered on the basis of report lodged by the victim girl. From her statement, it reveals that there was a love affair between the victim and the present applicant and out of a love affair physical relationship was developed between them. Thus, out of a love affair, they

attracted towards each other and there is no intention to commit sexual assault on the victim. It is not out of lust, but it is out of a love affair between both of them. Now investigation is completed and charge-sheet is filed, further incarceration of the present applicant is not required.

3. Learned APP and learned Counsel for the victim strongly opposed the said application on the ground that victim is below 18 years of age, her consent is irrelevant, and therefore, the application deserves to be rejected.

4. On perusal of the statement of the victim recorded under Section 161 as well as 164 from which it reveals that there was a love affair between the victim and the present applicant. Out of a love affair, physical relationship was developed between them. As far as the role of the present applicant is concerned, which appears to be that he has physical relationship between the victim and that is also out of love affair. It seems that two teenagers come together out of the attraction and the physical relationship was developed between them. Now investigation is already completed and charge-sheet is filed, further incarceration of the present applicant is not required. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

(i) The application is allowed.

(ii) The applicant **Dilkhush s/o Vilas Bure** shall be released on bail, in connection with Crime No.661/2024 registered with Police Station, Gadchiroli, District Gadchiroli for the offence punishable under Sections 376, 376(2)(j), 376(2)(n), 417 of the Indian Penal Code and under Sections 4 and 6 of the Protection of Children from Sexual Offences Act, on executing PR Bond in the sum of Rs.25,000/- with one solvent surety of the like amount.

(iii) The applicant shall not enter into the vicinity of village Murmadi, Taluka and District Gadchiroli, till culmination of the trial.

(iv) The applicant shall not induce, threat or promise any witnesses including the victim either physically or through electronic media.

(v) The applicant shall attend the proceeding before the Special Court without seeking any exemption unless there are exceptional circumstances.

5. The fees of the appointed Counsel be quantified as per rules.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)