



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

CRIMINAL APPLICATION (BA) NO.373 OF 2025

Suraj s/o Viveknath Khandare

Vs.

State of Maharashtra, through Police Station Officer, Police Station, New
Kamptee Nagpur 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. T. H. Bewali, Counsel for the applicant.

Mr. N. B. Jawade, APP for the non-applicant No.1/State.

Ms. Varsha Warade, appointed Counsel for the non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 07/05/2025

1. The application is for grant of bail.
2. After going through the record, it reveals that non-applicant No.2 - victim though served but not represented by any Counsel.
3. Learned Counsel Ms. Varsha Warade is appointed to represent the non-applicant No.2 - victim.
4. The applicant came to be arrested on 07.08.2024 in connection with Crime No.315/2024 registered with Police Station New Kamptee, Nagpur for the offence punishable under Sections 376(2)(n), 354-D, 506(2) of the Indian Penal Code and under

Sections 4, 6, 8, 10 and 12 of the Protection of Children from Sexual Offences Act.

5. The crime is registered on the basis of report lodged by the victim girl on an allegation that when she was attending the tuition class, she got acquaintance with the present applicant. The present applicant has asked her for friendship and she consented for the same, and thereafter the applicant has taken her along with him and subjected her for forceful sexual assault. On the basis of the said report, police have registered the crime against the present applicant.

6. Heard learned Counsel for the applicant, who submitted that there was a love affair between the non-applicant No. 2 - victim and the present applicant, out of a love affair, the physical relationship was developed between them. Now the investigation is already completed, charge-sheet is already filed and further incarceration of the present applicant is not required. In view of that, he be released on bail.

7. Learned APP and learned appointed Counsel for the non-applicant No.2 - victim strongly opposed for the same on the ground that the victim was minor at the relevant time, her consent is not relevant. From her statement, nowhere it reveals

that there was a love affair and for the above reasons, the application deserves to be rejected.

8. After hearing both the sides and on perusal of the investigation papers, it reveals that the victim was on the verge of attaining the age of majority. She got acquaintance with the present applicant and thereafter there was a friendship between them and out of said friendship, the physical relationship was also developed between them. Considering the fact that now the investigation is already completed, charge-sheet is already filed. As far as further incarceration is concerned, which 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 **Suraj s/o Viveknath Khandare** shall be released on bail in connection with Crime No.315/2024 registered with Police Station New Kamptee, Nagpur for the offence punishable under Sections 376(2)(n), 354-D, 506(2) of the Indian Penal Code and under Sections 4, 6, 8, 10 and 12 of the Protection of Children from Sexual Offences Act, on executing PR Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall not enter into the vicinity of Jaripatka, till the culmination of trial.

(iv) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

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

(vi) The applicant shall not indulge in similar type of activities and if a single offence is registered against the present applicant would lead to the cancellation of bail.

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

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)