



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

CRIMINAL APPLICATION (BA) NO.454 OF 2025

Shivaji s/o Sahebrao Kharat

Vs.

State of Maharashtra, through Police Station Officer, Police Station
Deulgaon Raja, District Buldhana 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. Nilesh Tikar, Counsel h/f Mr. R. D. Karode, Counsel for the applicant.
Ms. H. N. Prabhu, APP for non-applicant No.1/State..
Ms. S. K. Phaltankar, appointed Counsel for the non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 28/07/2025

1. The applicant came to be arrested on 16.06.2024 in connection with Crime No.232/2024 registered with Police Station Deulgaon Raja, District Buldhana for the offence punishable under Sections 363, 366, 376(i), 506 read with Section 34 of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Heard learned Counsel for the applicant, who submitted that the crime is registered on the basis of report lodged by the father of the victim girl on an allegation that on 11.06.2024 when he returned home and after dinner, they slept and in the morning, victim was not in the house. He searched for her, but he could not trace her, therefore, he approached to the Police Station and lodged report

against the unknown person. During the investigation, the victim was found along with the present applicant and hence, the present applicant was arraigned as an accused. He submitted that out of a love affair, the victim joined the company of the present applicant and there was a physical relationship between them. Now the investigation is already completed and charge-sheet is already filed, further incarceration of the present applicant is not required.

3. Learned APP strongly opposed the said application and submitted that the victim is a minor girl, her consent is not relevant. Moreover, from her statement nowhere reveals that there was a love affair between the present applicant and the victim, in view of that, the application deserves to be rejected. Learned appointed Counsel also endorsed the same contention.

4. On hearing both sides and on perusal of the investigation papers, especially the statement of the victim, it reveals that the victim was communicating with the present applicant and present applicant on 10.06.2024 called her backside of her house and asked her to come along with him. Therefore, she joined the company of the present applicant and thereafter they stayed at various places and roamed at various places also and there was a physical relationship between them. As far as the

consent of the victim is concerned, admittedly it is not relevant but considering the fact that it was the victim, who joined the company of the present applicant. Moreover, now the investigation is already completed, charge-sheet is already filed, at this stage, it reveals that the victim herself joined the company of the present applicant and thereafter, they roamed at various places. Considering the said facts, the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

- (i) The application is allowed.
- (ii) The applicant **Shivaji s/o Sahebrao Kharat** shall be released on bail in connection with Crime No.232/2024 registered with Police Station Deulgaon Raja, District Buldhana for the offence punishable under Sections 363, 366, 376(i), 506 read with Section 34 of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012, 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 Deulgaon Raja, till culmination of the trial.
- (iv) The applicant shall attend the proceeding before the Special Court without seeking any exemption unless there are exceptional circumstances.
- (vi) The applicant shall not induce, threat or promise any witnesses who are acquainted with

the facts of the case either physically or electronic media.

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

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)