



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

CRIMINAL APPEAL NO. 445 OF 2025

Sudhakar Gurunath Kagane Vs. State of Maharashtra and anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.A.C.Jaltare, counsel for the appellant.
Mr.Ujjawal Phasate, APP for the State.
Mr.Sanket Joshi, appointed counsel for respondent No.2.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATE : 01/10/2025

1) Heard.

2) By this appeal, the appellant has prayed for regular bail in connection with Crime bearing No.461 of 2023 registered at Police Station Gadchandur, district Chandrapur, for the offence punishable under Sections 376, 376(2)(n) of the Indian Penal Code, 4 and 6 of the Prevention of Children from Sexual Offences Act, 2012 and 3(1)(w)(i), 3(1)(w)(ii), 3(2)(va)(v) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities Act), 1989.

3) The allegations made are that the respondent No.2 came in contact with the present appellant in the year 2021

through Instagram. Initially, both of them used to chat on Instagram and Whats-app. Thereafter, they met and they had sexual relations. The allegations made are that the appellant had given assurance of marriage and thereafter, they had relations for three to four times. She became pregnant. She came to know about it after five months. Thereafter, when she went for delivery, the doctor found that she is minor. On the information given by the doctor, the crime came to be registered. The statement of the victim is recorded. The victim has given the statement that after she became pregnant, there is breakup. The appellant denied the paternity of the baby as the victim was having relations with many boys. The allegations are made about sexual relations under the assurance of marriage, when she was 16 years of age. Hence, the crime is registered.

4) The learned counsel for the appellant has stated that since December 2023, the appellant is in jail. The appellant has denied the paternity as the victim was having relations with other boyfriends. The learned counsel appearing for the appellant stated that it is out of love affair and as there is breakup, she has given the statement. She has handed over the baby to the adoption center. The trial is not yet commenced. Charge is not yet framed, hence prayed to release the appellant on bail.

5) The learned APP has opposed the application stating that he had sexual relations. The appellant has denied the paternity of the child. The relations were under the assurance of marriage. The offence under the Atrocities Act is also registered. Hence, prayed to reject the application.

6) Heard both the sides.

7) From the First Information Report, it appears that the appellant and victim were having love affair. The victim has not lodged the complaint. Even till the delivery of the child, nobody from her house has lodged the complaint. There are no allegations about forcible relations. Till delivery she was not having any grievance against this appellant for not keeping contact with her. The appellant is in jail since last two and half years and still the trial is not commenced. Considering the circumstances, the case is clearly made out to release the appellant on bail.

8) Accordingly, I pass the following order:

- i) Criminal appeal is allowed.
- ii) Appellant- Sudhakar Gurunath Kagane be released on bail in connection with Crime bearing No.461 of 2023 registered at Police Station Gadchandur, district Chandrapur, for the offence punishable under Sections 376, 376(2)(n) of the Indian Penal Code, 4 and 6 of the Prevention of Children

from Sexual Offences Act, 2012 and 3(1)(w)(i), 3(1)(w)(ii), 3(2)(va)(v) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities Act), 1989 on his furnishing P.R. Bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one surety in the like amount.

iii] The Appellant shall not in any way tamper with the prosecution evidence.

iv] The Appellant shall not pressurize or threaten the prosecution witnesses.

v] The Appellant shall co-operate the investigation officer.

9) The Criminal Appeal stands disposed of accordingly.

10) Pending application/s, if any, is/are shall stand/s disposed of.

11) Fees of the appointed counsel be paid as per rules.

JUDGE