



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

CRIMINAL APPLICATION (BA) NO.712 OF 2025

Kunal s/o Vishal Sonone

Vs.

State of Maharashtra, through Police Station Officer, Ural, Akola 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. S. V. Sirpurkar, Counsel for the applicant.

Mr. M. J. Khan, APP for non-applicant No.1/State.

Mr. Najeeb Sheikh, appointed Counsel for non-applicant No.2/victim.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 22/08/2025

1. By this application, the applicant is seeking bail in connection with Crime No.2/2025 registered with Police Station Ural, District Akola for the offence punishable under Sections 64(2)(m), 65(1), 74, 351(2), 126(2), 115(2), 304, 332(c) of the Bharatiya Nyaya Sanhita, 2023 and under Sections 4, 6, 8, 10 and 12 of the Protection of Children from Sexual Offences Act.

2. Heard learned Counsel for the applicant, who submitted that crime is registered on the basis of report lodged by the sister of the victim on an allegation that birth date of her sister is 18.01.2008 and in the year 2021, her sister was studying in 9th standard, the present applicant has proposed her for marriage, and thereafter, on the promise of

marriage, subjected her for forceful sexual assault. On the basis of the said report, police have registered the crime against the present applicant. Learned Counsel for the applicant invited my attention towards the WhatsApp chat and submitted that from the WhatsApp chat, it reveals that there was a love affair between the victim and the present applicant and out of a love affair, the physical relationship was developed. Now the investigation is already completed, charge-sheet is already filed and further incarceration of the present applicant is not required in the light of the circumstances under which the alleged act was committed.

3. Learned APP and learned appointed Counsel for the non-applicant No.2 – victim strongly opposed for the same on the ground that the consent of the victim is not relevant.

4. On hearing both sides and on perusal of the entire investigation papers, it reveals that out of a love affair, the physical relationship was developed between the applicant and the victim. Now the investigation is already completed. Admittedly, the consent of the victim is not relevant, but considering the fact that the investigation is already completed, charge-sheet is already filed and further incarceration of the present applicant is not required. In view of that, I proceed to pass following order:

ORDER

(i) The application is allowed.

(ii) The applicant **Kunal s/o Vishal Sonone** shall be released on bail in connection with Crime No.2/2025 registered with Police Station Ural, District Akola for the offence punishable under Sections 64(2)(m), 65(1), 74, 351(2), 126(2), 115(2), 304, 332(c) of the Bharatiya Nyaya Sanhita, 2023 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 Ural, Taluka Balapur, District Akola, till culmination of the trial.

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

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

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

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)