



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

CRIMINAL APPLICATION (BA) NO.849 OF 2025

Govind Vijay Kambale

Vs.

State of Maharashtra, through Police Station Officer, Digras Police Station,
District Yavatmal 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. Shaharukh S. Sheikh, Counsel for the applicant.
Mr. V. A. Thakare, APP for non-applicant No.1/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 02/09/2025

1. The applicant came to be arrested on 27.04.2025 in connection with Crime No.693/2024 registered with Police Station Digras, District Yavatmal for the offence punishable under Sections 137(2), 64(1), 64(2)(m), 65(1) of the Bharatiya Nyaya Sanhita, 2023 and under Sections 3, 4, 5(I), 6 of the Protection of Children from sexual Offences Act, 2012.

2. The crime is registered on the basis of a report lodged by the father of the victim girl on an allegation that his daughter aged about 15 years was kidnapped by the present applicant on the promise of marriage. On the basis of the said report, police have registered the crime. During the investigation, the statement of the victim girl was recorded, from

which it reveals that there was a love affair between them and she was subjected for the sexual assault. On the basis of the said report, police have registered the crime against the present applicant.

3. Heard learned Counsel for the applicant, who submitted that from the statement of the victim, it reveals that there was a love affair and out of a love affair, physical relationship was developed between them. The investigation is now completed, charge-sheet is filed and further incarceration of the present applicant is not required. In view of that, he be released on bail.

4. Learned APP strongly opposed for the same and submitted that considering the victim was minor at the time of incident. Her consent is not relevant. There is apprehension of tampering of witnesses, in view of that, the application deserves to be rejected.

5. Though the non-applicant No.2 - victim is served and the learned Counsel Mr. Najeeb Sheikh is appointed, however, nobody appeared on behalf of the non-applicant No. 2 - victim.

6. Perused the entire investigation papers, it reveals that out of a love affair, victim has joined the company of the present applicant and physical relationship was developed between them, out of a

love affair. As far as further incarceration is concerned, which is not required. The investigation is already completed, in view of that, the bail application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

- (i) The application is allowed.
- (ii) The applicant **Govind Vijay Kambale** shall be released on bail in connection with Crime No.693/2024 registered with Police Station Digras, District Yavatmal for the offence punishable under Sections 137(2), 64(1), 64(2)(m), 65(1) of the Bharatiya Nyaya Sanhita, 2023 and under Sections 3, 4, 5(l) 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 village Vithala, Taluka Digras, District Yavatmal, 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.
- (v) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)