



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.825 OF 2024
(Sahil s/o Kiran Byaskar Vs. State of Maharashtra and anr.)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. R.M. Daga, Advocate for the applicant.
Mrs. M.A. Barabde, APP for the State.
Ms D.P. Shahare, Advocate (appointed) for non-applicant No.2.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- APRIL 17, 2025.

Apprehending the arrest at the hands of police in connection with Crime No.902/2024 registered with Police Station Gadge Nagar, Amravati for the offence punishable under Sections 65(1) and 351 of the Bharatiya Nyaya Sanhita, 2023 and Sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, the applicants approached to this Court for grant of anticipatory bail.

2. The crime is registered on the basis of report lodged by the mother of the victim against the present applicant on an allegation that her daughter aged about 15 years was studying in 10th standard and was attending the tuition classes. The present applicant contacted her and subjected her for the forceful sexual assault. On the basis of the said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant invited my attention towards the previous FIR and the statement of the victim recorded in another crime which shows that victim had made complaint against her mother itself as she is insisting her for the prostitution. The other FIR is also lodged by her against her mother alleging that she is ill-treating her and harassing her for the prostitution. He submitted that the photographs of the present applicant and the victim speaks otherwise. Thus, considering the photographs and the statement of the victim it reveals that there was a love relationship between the victim and the present applicant and out of that physical relationship is developed between them. As far as the custodial interrogation is concerned which is not required. In view of that, he be protected by granting anticipatory bail.

4. Learned APP strongly opposed the application on the ground that the statement of the victim discloses that the present applicant has forced her for the forceful sexual assault and thereby committed the offence. In view of that, the application deserves to be rejected.

5. I have heard learned Counsel for both the sides. On perusal of the inconsistent statements of the victim and the photographs which are placed on record shows that the relationship was developed between the present applicant and the victim and out of that there was physical relationship. Thus, considering the circumstances under which the physical relationship was developed, the

applicant has made out a case for grant of anticipatory bail. Accordingly, I proceed to pass following order:

(i) The application is allowed.

(ii) In the event of arrest, the applicant – Sahil s/o Kiran Byaskar in connection with Crime No.902/2024 registered with Police Station Gadge Nagar, Amravati for the offence punishable under Sections 65(1) and 351 of the Bharatiya Nyaya Sanhita, 2023 and Sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, be released on anticipatory bail on executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall attend the concerned police station once in a week i.e. on every Monday between 10.00 a.m. to 1.00 p.m. and shall co-operate with the Investigating Agency.

(iv) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case either personally or by way of electronic media.

(v) The applicant shall not enter into the jurisdiction of Gadge Nagar, Amravati police station, till culmination of the trial.

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

6. The application is disposed of.

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

(URMILA JOSHI-PHALKE, J.)

**Divya*