



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

CRIMINAL APPLICATION (ABA) NO. 848 OF 2024

Shri Swapnil S/o. Dilip Jadhav

.vs.

The State of Maharashtra, through PSO PS Manora, District Washim and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Ms Parita Lakhani, Advocate for the applicant
Mr M. K. Pathan, APP for the non-applicant No.1/State
Mr D. N. Mudgale, Advocate for the non-applicant No.2

CORAM : G.A. SANAP J.

DATE : FEBRUARY 20, 2025

Heard.

2. This is an application for anticipatory bail made by the applicant in connection with crime No. 207 of 2024.

3. The learned Advocate would submit that there was love affair between applicant and the victim girl. The victim girl on her own accompanied the applicant. The applicant has been granted *ad-interim* protection and as directed by the Court he has co-operated the investigating officer. The charge-sheet has been filed. The blood samples of the applicant have been collected for the purpose of DNA analysis. The learned Advocate would submit that for further custodial interrogation his further custodial interrogation is not necessary. The learned

Advocate submit that as and when required or called by the police, he is ready to co-operate the police.

4. Learned APP would submit that in terms of the conditions imposed by the Court while granting *ad-interim* anticipatory bail the accused/appellant extended the fullest co-operation. His blood samples has been collected for DNA analysis. In short, it is submitted that his custodial interrogation may not be necessary.

5. Learned Advocate for the victim submits that the victim on the date of the offence was below 18 years of age. The defence of consensual act is not available to the accused/applicant. The penetrative sexual assault was committed on victim girl by the applicant. There is ample evidence against the applicant.

6. I have gone through the record and proceedings. The applicant has been granted ad-interim bail vide order dated 18.12.2024. As directed by this Court, the applicant co-operated the investigating agency. His blood has been collected for DNA analysis. The sample of the abortee have also been collected. The blood samples of the victim girl has also been collected. The charge-sheet has been filed. The investigation, as stated in the affidavit by the investigating officer, is complete. It is therefore apparent that for the purpose of further investigation or

for custodial interrogation the arrest of the applicant is not necessary. As far as the merits of the case are concerned, the same cannot be gone into at this stage. In view of this I am satisfied that *ad-interim* protection granted to the applicant/accused deserves to be confirmed on same terms and conditions. Hence, the following order-

- i] The application is allowed.
- ii] The order dated 18.12.2024 granting *ad-interim* anticipatory bail is confirmed on same terms and conditions.
- iii] The application stands **disposed of**, accordingly.

(G. A. SANAP, J)

Namrata