



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

CRIMINAL APPLICATION (BA) No.1233 OF 2024

(Bharat Vasant Uike Vs. State of Maharashtra, through PSO, P.S. Bramhapuri, Distt.
Chandrapur 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. A.C. Jaltare, Advocate for applicant.
Ms. M.A. Barabde, APP for respondent No.1.

CORAM : URMILA JOSHI-PHALKE, J.
DATE : 10th MARCH, 2025.

1. The applicant came to be arrested on 11.3.2024 in connection with Crime No.126/2024, registered under Sections 376, 376(2)(f), 376(2)(n) and 376(3) of the Indian Penal Code and under Section 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Heard learned counsel for the applicant, who submitted that crime is registered on the basis of report lodged by the victim girl aged about 15 years on an allegation that present applicant was acquainted to her. He used to visit her house and expressed his feelings and love affair was developed between them. Out of love affair there was a physical relationship between them. As she was subjected to sexual assault from the present applicant, she became pregnant. Therefore, they both approached to the Police Station and Police arrested the

present applicant. He submitted that the recitals of the F.I.R. itself sufficiently shows that out of love affair the physical relationship was developed between them. Now, investigation is already completed. The charge-sheet is already filed. Further incarceration of the present applicant is not required.

3. Learned A.P.P. for the respondent No.1/State and learned counsel for the respondent No.2/victim have strongly opposed the said application on the ground that consent of the victim is not relevant. In view of that, the application deserves to be rejected.

4. On hearing learned counsels of both sides and on perusal of the investigation papers it reveals that out of love affair physical relationship was developed between two teenagers. As far as consent of the victim is concerned, admittedly it is irrelevant that but considering the fact that out of love affair the incident took place and now investigation is already completed. Charge-sheet is already filed. Further incarceration of the present applicant is not required. Hence, I proceed to pass following order :

ORDER

(i) The application is allowed.

(ii) The applicant - Bharat s/o. Vasant

Uike shall be released on bail in in connection with Crime No.126/2024, registered under Sections 376, 376(2)(f), 376(2)(n) and 376(3) of the Indian Penal Code and under Section 4 and 6 of the Protection of Children from

Sexual Offences Act, 2012 on executing P.R. Bond of Rs.25,000/- with one surety of like amount.

(iii) The applicant shall not enter into the vicinity of Ushegav, Taluka Wadsa, District Gadchiroli till culmination of the trial.

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

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

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

(vii) The application is disposed of.

(viii) The fees of the appointed counsel be quantified as per rules.

(Urmila Joshi-Phalke, J.)