



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.1617 OF 2025

Nitin Raju Bhoi

... APPLICANT

VERSUS

The State of Maharashtra & anr.

... RESPONDENTS

.....

Mr. H.P. Randhir, Advocate for applicant

Mr. S.D. Ghayal, A.P.P. for respondent – State

Ms Mayur S. Hange, Advocate for respondent No.2.

.....

CORAM : SACHIN S. DESHMUKH, J.

DATE : 13th JANUARY, 2026

PER COURT :

1. By this application, the applicant seeks his release on regular bail in connection with Crime No.0173/2024, registered with Bhusawal Taluka Police Station, District Jalgaon, for the offences punishable under Sections 137(2), 65(1), 351(3), 127(4) of the Bhartiya Nyaya Sahnita, Sections 3(a), 4, 17 and 21 of the Protection of Children from Sexual Offences, 2012 and Sections 3(1)(W)(i), 3(1)(W)(ii), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. The prosecution case is that, on 12/7/2024, the victim was proceeding to her maternal aunt at Pahur. When the victim was standing at the bus stand, the applicant (friend of her brother), happened to meet her there. The applicant offered the victim to drop her on his motorcycle to which the victim acceded.

3. During the journey, the applicant expressed his love to her and asked her to accompany him. The applicant then took the victim to Nizamabad, Telangana and thereafter to a village at the house of his married cousin sister.

4. After residing there for some days, the cousin sister of the applicant arranged a separate rented room for the victim and the applicant. During this period, the applicant repeatedly established physical relations with the victim against her consent. The victim requested the applicant to take her back home, but the applicant refused and asked her to remain in the said village till her delivery.

5. The victim made a phone call to her married sister and disclosed her place of residence and requested her to take her back from that place. Consequently, the family members of the

victim reached there on 9/1/2025 and took her back. Accordingly, the F.I.R. came to be lodged.

6. Heard.

7. Learned counsel for the applicant submits that, the applicant has been falsely implicated in the alleged crime. The victim had on her own accord joined the company of the applicant and had resided with him for a considerable period. During the said period, the victim had nowhere expressed her objection or denial to reside with the applicant. As such, the applicant and the victim were in a consensual relationship and the present F.I.R. is lodged under parental pressure.

8. Learned A.P.P. and learned counsel for the respondent No.2 vehemently opposed the application, submitting that, the offence is of serious nature and that there is possibility of applicant tampering with the witnesses, particularly the victim if he is enlarged on bail.

9. Having heard the submissions from both the sides and upon perusal of record including the charge sheet, indicates that, the F.I.R. is lodged after inordinate delay. The victim has nowhere raised an alarm or attempted to contact with her parents from the

very first day of alleged kidnapping.

10. The record further indicates that, it is only after spending a considerable time with the applicant and after getting pregnant, the victim contacted her parents. Resultantly the F.I.R. was lodged. As such, the factual matrix in its entirety, coupled with the conduct of the victim prima facie shows that the said relationship was consensual in nature.

11. Furthermore, the investigation is complete for all intents and purposes and considering the number of witnesses which the prosecution is likely to examine during the course of trial, the trial is unlikely to conclude within a reasonable period. Therefore, in my considered opinion, indefinite incarceration of the applicant is unjustified. Thus, the application warrants consideration, and accordingly, the discretion deserves to be exercised in favour of the applicant. Hence the order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant Nitin Raju Bhoi be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand) with one solvent surety of the like amount in

the above crime, on the conditions that :

- (a) The applicant shall not tamper with the prosecution witnesses.
- (b) The applicant shall remain present on each date, unless exempted by the trial Court.
- (iii) Needless to state that, the observations rendered herein are confined to the present application, and the trial Court shall not be influenced by the same.

(SACHIN S. DESHMUKH, J.)

fmp/-