

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.2038 OF 2013**

Virendra Maruti Karande Applicant
 Vs.
The State of Maharashtra Respondent

Mr. Kuldeep Patil, Advocate for the Applicant.
Mr. A.S. Shitole, A.P.P. for the respondent- State.

Coram : Smt. R.P. SondurBaldota, J.
Date : 21st December, 2013.

P.C.

1. The applicant was arrested on 18th August, 2013 in C.R. No.130 of 2013, registered with Kavthe-Mahankal Police Station, District Sangli, for the offences punishable under Sections 376(2)(h), 363, 366A, 420, 342, 504, 506 Indian Penal Code and Section 3(A)(a) of Protection of Children from Sexual Offences Act, 2012.

2. The applicant was the President of New English School, where the victim-girl had pursued her education till 10th standard. Then she pursued her studies for 11th standard in S.M. High School at Kavthe-Mahankal. On 26th July, 2013 at 6.15 am., when the victim-girl was attending her class in the school, she was called by the applicant under a false pretext of

her grandmother being seriously ill and admitted to the hospital. The victim-girl took permission from her teacher to leave the school and accompanied the applicant to see her grandmother. The applicant instead of taking her to hospital took her to different places. She was first taken to Shani Shingnapur, from there to Shirdi and then to Pune. She had protested initially. But the applicant threatened to take her life. On two occasions, the applicant had allegedly removed her clothes, touched on her entire body and tried to commit sexual intercourse. While at Pune, the victim-girl was rescued by her relatives.

3. Mr. Patil, the learned Advocate for the applicant submits that there was no actual intercourse and there cannot be charge of serious offence of rape. The allegations however would be covered by the amended definition of rape under Section 375 Indian Penal Code. Considering the position held by the applicant and the facts stated by the victim-girl, I am not inclined to release the applicant on bail. Hence, the application is dismissed.

(Smt. R.P. SondurBaldota, J.)