

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

930 CRIMINAL APPLICATION NO. 5029 OF 2016

**SHRIRAM BHIMRAO DEWADE
& ANR.**

VERSUS

**THE STATE OF MAHARASHTRA
& ANR.**

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Mr. B.R.Kedar, Advocate for Applicants.

Mr. S.M.Ganachari, A.P.P. for Resp. – State.

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CORAM : A.M.BADAR, J.

DATE : 15th SEPTEMBER, 2016

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PER COURT :

1. This is an application by the informant's uncle and the victim female child for cancellation of bail granted to respondent No. 2 in Crime No. 49/2016 registered at Ghansawangi police station, Dist. Jalna for the offences punishable u/ss 366-A, 376 (n) (ii) of the Indian Penal Code and u/ss 3, 4, 5 and 6 of the Protection of Children from Sexual Offences Act, 2012 [for short, 'POSCO Act'], by the learned Additional Sessions Judge, Jalna.

2. Heard the learned counsel for the applicants. He argued that the learned Additional Sessions Judge ignored the gravity of the offence while releasing respondent No. 2 on bail. He further argued that the subsequent conduct of respondent No. 2 in threatening the informant makes him dis-entitle for enjoying the liberty.

3. Perused the F.I.R. as well as the statement of the victim female child. Informant Shriram Bhimrao Dewade reported police that the minor female child had gone missing on 16/04/2016. The informant apprehended that as she was having love affair with respondent No. 2 Sanjay s/o Nivrutti Bodkhe, he might have kidnapped her.

4. Statement of the victim female child was recorded on 27/06/2016. It is seen from that statement that she joined company of respondent No. 2 on 16/04/2016 and went with him to Jalna by auto rickshaw. Thereafter, the couple went to Aurangabad. From there they travelled to Nasik. Thereafter, they went to Karjat in Raigad district. There the minor female child and respondent No. 2 resided in a lodge where they indulged in sexual intercourse, which the minor female child claims to be forcible. Thereafter they stayed in a rented room. From there, they went to Wapi and Surat in Gujrat State. The minor female child is stated to be 17 ½ years of age at the time of alleged incident. She averred that she roamed with respondent No. 2 who is also young person, at several places and even in Gujrat State. The learned Additional Sessions Judge was pleased to release respondent

No. 2 on bail. Considering the version of the victim female child, no infirmity in the impugned order of enlarging respondent No. 2 on bail can be found. The impugned order is well reasoned order and by no stretch of imagination, it can be said to be perverse order.

5. So far as alleged threatening is concerned, except interested version of Parmeshwar Devade that when he was standing outside his house on 25/08/2016, respondent No. 2 came, abused and threatened him; there is no other material. It is very easy to make such averments against the accused who is enlarged on bail. If that is so, then appropriate application is required to be moved before the concerned Court to show breach of conditions.

6. In the light of the foregoing discussion, no merit is found in the instant application. Hence, the following order.

(i) The Criminal Application stands rejected.

[A.M.BADAR, J.]