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

CRIMINAL APPLICATION NO.6318 OF 2016

Pravin Raghunath Shewale,
Age: 26 years, Occ: Agri.,
R/o. Wadgaon Gupta, Tq. Ahmednagar,
Dist. Ahmednagar. ..APPLICANT

VERSUS

The State of Maharashtra ..RESPONDENT

Mr R.K. Temkar, Advocate for applicant;
Mr S.P. Deshmukh, Addl. Public Prosecutor for
respondent

CORAM : A.S. CHANDURKAR, J.

DATE : 21st DECEMBER, 2016

ORAL ORDER :

The applicant, who has been arrested on 19th September, 2016 in connection with Crime No. I-122 of 2016 registered with Akole Police Station, District Ahmednagar, for the offences punishable under Sections 363, 376(2) I, 343, 354 read with Section 34 of the Indian Penal Code and Sections 4, 5(L) and 6 of the Protection of Children from Sexual Offences Act, 2012, seeks his release on bail.

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2. As per the first information report, the daughter of the informant aged about 15 years was on visiting terms with one Manish Patil – accused No.1. She was however missing from 10th September, 2016 and hence the report in question came to be lodged. The said daughter was traced on 18th September, 2016 and after recording her statement, further offence came to be registered. The applicant accordingly came to be arrested.

3. It is submitted by the learned Counsel for the applicant that the allegations with regard to the offences punishable under Section 376(2) (1) of the Indian Penal Code and under Protection of Children from Sexual Offences Act, 2012 are against the accused No.1. Allegations of general nature are made against the present applicant. It is submitted that the applicant was serving as night watchman at the college and even as per the statement of the applicant, he was providing her food from time to time. It is submitted that considering the fact that the investigation is now complete and the

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charge sheet has been filed, further detention of the applicant is not warranted.

4. The application is opposed by the learned Additional Public Prosecutor by relying upon the statements recorded. It is submitted that the informant has named the present applicant as he had detained her against her wishes. It is submitted that considering the age of the victim, the applicant does not deserve to be released on bail.

5. Perused the charge sheet along with various statements. The statement of the victim dated 18th September, 2016 indicates that she was having an affair with Manish Patil and with a view to meet him left her home. She was with accused No.1 for the entire day on 10th September, 2016. In the night, the accused No.1 and the victim had come to the school, where the applicant was serving as night watchman. They had stayed there at night at which point, the accused No. 1 established sexual relations with the victim. It is stated that on 11th September, 2016 the applicant had asked the

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victim as to whether she would marry him. The victim has however stated that the applicant used to give food to her from time to time.

6. Considering the aforesaid statement of the victim, serious allegations are levelled against the accused No.1 and not the present applicant. The charge sheet has been filed on 13th December, 2016 and hence I find that the applicant can be enlarged on bail subject to imposing conditions.

7. In view of aforesaid, the following order is passed : -

(i) The applicant is directed to be released on bail in connection with Crime No. I-122 of 2016 registered with Akole Police Station, District Ahmednagar, for the offences punishable under Sections 363, 376(2) I, 343, 354 read with Section 34 of the Indian Penal Code and Sections 4, 5(L) and 6 of the Protection of Children from Sexual Offences Act, 2012, on furnishing P.R. bond of Rs.15,000/-, with one surety in the like amount.

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(ii) The applicant shall not enter Akole Taluka, District Ahmednagar till completion of the trial.

(iii) The applicant shall attend the Court of learned Sessions Judge, Sangamner, Dist. Ahmednagar on 10th January, 2017 and thereafter as per directions of the Sessions Judge.

(iv) The applicant shall not take any steps to influence the prosecution witnesses.

8. The observations made in this order are only for the purposes of deciding present application.

9. Criminal Application is allowed and disposed of.

(A.S. CHANDURKAR, J.)