

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

Criminal Application No. 01516 of 2017

District : Ahmednagar

Sou. Bhagyashree w/o. Sunil Gund,
Age : 30 years,
Occupation : Business,
R/o. Ranzani, Taluka Shevgaon,
District Ahmednagar. .. Applicant.

versus

The State of Maharashtra,
Through Investigation Officer,
Shevgaon Police Station,
District Ahmednagar. .. Non-applicant.

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*Mr. Himmatsinh D. Deshmukh, Advocate, for the
applicant.*

*Mr. S.W. Munde, Addl. Public Prosecutor, for
the non-applicant.*

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CORAM : T.V. NALWADE, J.

DATE : 06TH APRIL 2017

ORAL ORDER :

By the present application, the applicant is seeking pre-arrest bail in connection with Crime No. I-47/2017, registered with Shevgaon Police Station, District Ahmednagar, for offences punishable under Sections 354(D), 506, 109, 341 of the Indian Penal Code and Sections 12 and 17 of the Protection of Children From Sexual Offences Act.

02. The crime is registered on the basis of report given by Tukaram s/o. Manaji Disle, father of the victim girl. The victim girl was aged about 15 years at the relevant time. It is alleged in the FIR, that the victim girl had gone to the tailoring shop of the applicant for bringing blouse of her mother. At that time, present applicant asked the victim girl, why she was not developing contact with one Yogesh Aage as he was frequently visiting her shop for the victim girl. It is alleged that the present applicant was defaming the victim girl amongst her friends. Allegation is made that on 23.01.2017, when the victim girl was parking her cycle in the school, said Yogesh Aage came near her and he gave one bottle of poison to her by saying that she should either accompany him, else she should consume the poison in the bottle or otherwise he would consume the poison. It is alleged that thereafter said Yogesh Aage came below the window of the classroom and asked her to consume poison given by him, else he would contact her father on phone and he would tell her father about her. Out of fear, the victim girl consumed poison, due to which she felt giddy. The complainant has stated in the FIR, that his daughter, victim girl, was given medical treatment and upon her full recovery he had lodged report.

03. There is statement of the victim girl which this Court has perused.

04. Learned Advocate for the applicant submitted that the applicant is a lady and she has attended the Police Station when was granted ad interim pre-arrest bail by this Court. It is further submitted that the Police may not require custody of the applicant for the purpose of investigation. This submission is not at all acceptable. The offence alleged against the applicant is serious one and thorough investigation of the matter needs to be done by ascertaining as to whether the applicant is in the habit of inducing such minor girls and driving them to the prostitution. Therefore, this Court holds that the discretion of pre-arrest bail cannot be used in favour of the applicant.

05. In the result, the Application is rejected. Ad interim pre-arrest bail granted in favour of the applicant, by order dated 24th March 2017, stands vacated.

(T.V. Nalawade)
JUDGE

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