

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

8 CRIMINAL APPLICATION NO. 2686 OF 2017

ROHIT @ SAI S/O. KIRAN GADEWAR
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Shailendra S. Gangakhedkar.
APP for Respondent : Mr. K. N. Lokhande.

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CORAM : **V. K. JADHAV, J.**
DATE : 07th September, 2017.

ORDER :

. This is an application filed for getting released on bail in connection with Crime No.200 of 2016 registered at Kinwat Police Station, District Nanded for the offences punishable under Sections 376(2)(i)(j), 363, 366(A) and 342 read with 34 of the Indian Penal Code and Sections 3 and 4 of the POCSO Act, 2012. His application with similar prayer below Exhibit-22 in Special (POCSO) Case No.2 of 2017 came to be rejected by the Additional Sessions Judge, Nanded by order dated 14th March, 2017.

2 Brief facts giving rise to the present application are as follows:

On 1st October, 2016, the father of victim Diksha informed to the police about missing of his daughter Diksha aged 15 years from his house. It has been stated in the said report that on 30th September, 2016 at about 07:00 am, victim Diksha left the house for tuition purpose in the private coaching classes conducted by the present Applicant. She was also accompanied by her cousin Samiksha. After the tuition class was over, victim Diksha under the pretext of headache, avoided to proceed towards school and as such, her cousin Samiksha went to the school alone. Thereafter, victim Diksha was not found. During the course of inquiry, victim Diksha was found on 14th October, 2016 and her statement was recorded by the police. It has been alleged by victim Diksha that the present Applicant, who was conducting the said coaching classes, took her in one auto-rickshaw in Adilabad. Victim Diksha was taken to one room. Some other persons were also there in the room. It has also been alleged by victim Diksha that in the night of 1st October, 2016, the present Applicant has committed forcible sexual intercourse with her. She was there in the said room at Adilabad till 4th October, 2016 and thereafter, she was taken to Secunderabad and from Secunderabad to Pune, Aurangabad etc. On the basis of these allegations, the present Applicant came to be arrested on 14th October, 2017.

3 The learned counsel for Applicant submits that charge-sheet has been submitted long back. Antecedents of the Applicant are clear. He is not indulged in the similar activities though he was running a private coaching classes. He has a fixed place of residence. The learned counsel submits that the Applicant is a young and unmarried boy. The Applicant is ready to abide any condition, if imposed by this Court.

4 The learned APP has strongly resisted the application on the ground that the present Applicant has induced a minor girl and committed forcible intercourse with her by taking her to various places. There is a strong *prima-facie* case against the present Applicant and as such, his application is liable to be rejected.

5 On perusal of the charge-sheet, most particularly the statement of victim Diksha, that victim Diksha boarded the said auto-rickshaw though at the instance of the Applicant, thereafter, went to various places alongwith the Applicant. It further appears from her statement that since 1st October, 2016 to 13th October, 2016, she traveled with present Applicant to various places. Though victim Diksha is a minor, she had traveled with the Applicant to all the

aforesaid places. Antecedents of the Applicant are clear. He is not indulged in similar activities. He was running a private coaching classes. He has got a fixed place of residence. The Applicant is a young and unmarried boy. Thus, considering the nature of allegations and the fact that the Applicant is easily available for trial, I am inclined to release the Applicant on bail by imposing certain conditions. Hence, the following order:

ORDER

- I. Criminal application is hereby allowed.
- II. Applicant Rohit @ Sai s/o. Kiran Gadewar be released on bail in connection with Crime No.200 of 2016 registered at Kinwat Police Station, District Nanded on furnishing personal bond of Rs.20,000/- with one solvent surety of the like amount on the following conditions:
 - a) The Applicant shall not tamper with the prosecution evidence in any manner.

- b) The Applicant shall not enter village Loni,
Taluka Kinwat, District Nanded till the trial is
over.

III. Criminal application is accordingly disposed of.

[V. K. JADHAV, J.]

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