

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 2014 OF 2017

1. Chetan Narendra Nandanwar .Applicants
2. Ganesh Shivaji Bavaskar

Vs.

The State of Maharashtra .Respondent

Mr. A. Nikam i/b. Mr. A. Satpute, Advocate, for the Applicants
Mr. A. Patil, APP, for the Respondent – State

CORAM : A.S.GADKARI, J.

DATE : 17.11.2017

P.C.

. This is an Application under Section 439 of Cr. P.C. for bail in CR No. 179 of 2016 registered with Otur Police Station, Pune (Rural) under Sections 376(2)(I)(N)(D), 506 of the Indian Penal Code and under Sections 4, 6, 8 & 10 of the Protection of Children from Sexual Offences Act (for short “POCSO” Act).

2. The first information report is lodged by the minor victim girl who was aged about 13 years at the relevant time i. e. on 14.09.2016 alleging that from July, 2016 to 14.09.2016, the Applicants and other two accused persons committed the aforesaid offence against her. During the course of investigation, the Applicants came to be arrested

on 14.09.2016 and after completion of investigation, police have submitted charge-sheet.

3. Perused the record.

The record indicates that the statement of minor victim girl has been recorded by the learned Judicial Magistrate First Class, Junnar on 01.10.2016 under Section 164 of the Code of Criminal Procedure and in her said statement, she has stated that, on 11.08.2016 while she was playing, the Applicants and other two accused persons came from the front side and gave a dash to her and therefore, she used filthy language. The accused persons, therefore, threatened her that, they will inform the said fact to her mother and and therefore, due to fear, she lodged the present crime against the Applicants narrating the facts mentioned in the first information report on 14.09.2016. It is to be noted here that, there is no co-relation between the dates mentioned in the first information report and the date mentioned in the statement recorded under Section 164 of the Code of Criminal Procedure and the victim girl has narrated a totally different version than stated in F.I.R., before the Magistrate in her statement recorded under Section 164 of the Code of Criminal Procedure.

In view of the above, the Applicants can be enlarged on bail.

Hence, the following Order:

- (i) The Applicants be released on bail in CR No. 179 of 2016 registered with Otur Police Station, Pune (Rural) on their furnishing PR bond of Rs. 15,000/- with one or two separate solvent local sureties in the like amount;
 - (ii) After their release from the jail, the Applicants shall attend the concerned Police Station every 1st Monday of the month between 10.00 a.m. to 12.00 noon till the conclusion of trial;
 - (iii) Applicants shall not tamper with the evidence and/or influence the prosecution witnesses.
4. Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)