

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

Criminal Application (BA) No. 552 of 2019

Rupesh Padghan

Vs.

State Through P.S. Khadan Dist. Akola

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A.B. Mirza, Advocate for applicant.
Mr. H.R. Dhumale, APP for non-applicant.

CORAM : MANISH PITALE, J.

DATED : JULY 17, 2019

The applicant herein has approached this Court for grant of bail as he stood arrested on 23/12/2018 in connection with FIR dated 21/12/2018, registered against him and another accused person for the alleged offences under Sections 363, 366-A R/w 34 of the Indian Penal Code and Section 12 of the Protection of Children from Sexual Offences Act, 2012.

2. The allegation against the applicant is that he assisted the other accused person in taking away the victim minor girl from Akola to Mumbai where eventually the other accused person was apprehended. Even as per the statement of the victim girl, the applicant allegedly pushed her into the house of the other accused person and that thereafter it was only the other accused person who took her by train to

Mumbai. The material on record does not indicate anything beyond the aforesaid role attributed to the applicant herein. The entire thrust of the allegation appears to be against the co-accused who, allegedly enticed and allured the minor victim into accompanying him to Mumbai on the promise of marriage.

3. It is pointed out by the learned counsel for the applicant that the co-accused, who according to him is the main accused person, has been granted bail on 02/01/2019, by the Sessions Court itself.

4. The learned APP has opposed grant of bail in the present case mainly on the ground that the applicant was absconding for long period of time and after more than five months of registration of FIR the applicant was eventually arrested. But, since the role attributed to the applicant appears to be at the most of only having assisted the main accused person at Akola and not having directly acted in any manner in taking the minor victim girl from Akola to Mumbai, it appears that the present application can be granted. This is particularly so because the main accused person is already enlarged on bail on 02/01/2019.

5. It is informed that investigation is yet to be completed and chargesheet is to be filed. Therefore, it would be necessary to grant the application, by

imposing appropriate conditions.

6. In view of the above, the application is allowed and the applicant is directed to be released on bail on following conditions.

- a) The applicant shall furnish PR bond of Rs.25,000/- and surety in the like amount.
- b) The applicant shall attend Police Station Khadan Dist. Akola once a week i.e. on Sunday between 10:00 AM to 5:00 PM, till filing of chargesheet.
- c) The applicant shall co-operate with the investigation.
- d) The applicant shall not tamper with the evidence or influence the witnesses.

7. It is made clear that the observations made in this order are limited to the question of grant of bail to the applicant.

Hamdast is granted.

JUDGE