

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

23 BAIL APPLICATION NO.1167 OF 2020

Ravindra Vasant Gonde,
Age; 27 years, Occ; Agri,
R/o; Gondhewadi, Khalchi Mahuli,
Post, Nandur Khandarmal,
Tq. Sangamner, Dist; Ahmednagar. ...Applicant

VERSUS

The State of Maharashtra ...Respondent

...
Advocate for Applicant : Shri Temkar Rajendra K.
APP for Respondent-State : Smt. P.V. Diggikar
...

CORAM : M. G. SEWLIKAR, J.

DATE : 29th OCTOBER, 2020.

ORDER :

1. This is an application for seeking regular bail in Cr. No. 189 of 2018, registered with Sangamner Police Station, Tq. Sangamner, for the offence punishable under Sections 376 (2)(i), 363, 366, 323, 506 of the Indian Penal Code (I.P.C.) and under Section 4 of the Protection of Children from Sexual Offences Act, 2012.

2. Facts giving rise to this application are that the informant is the father of the victim. The victim is aged 15 years, On 12.12.2018 at 9.00 p.m., the informant came back home at 9.00 p.m. The wife of

the informant informed him that the victim did not come back till then. Inquiry was made in the School, but he was told that the victim did not attend the School on that day. After conducting the search of the victim, she was not found. The victim was also not found in the village. Therefore, the informant expressed suspicion upon the applicant. F.I.R. was lodged on 13.12.2018. Since then the prosecutrix did not come back to the village. On 1.6.2020, the applicant dropped the victim at the village Ghargaon and F.I.R. was accordingly lodged under Section 376 (2)(i), 363, 366, 323, 506 of the Indian Penal Code (I.P.C.) and under Section 4 of the Protection of Children from Sexual Offences Act, 2012 against the applicant.

3. Heard Shri Rajendra K. Temkar, the learned counsel for the applicant and Smt. P.V. Diggikar, the learned A.P.P. for the respondent-State.

4. Shri Temkar, learned counsel for the applicant submitted that the prosecutrix was of the age of understanding at the time of the incident. He argued that the prosecutrix had voluntarily accompanied the applicant. She and the applicant lived as husband and wife in the rented house. He submitted that the applicant is behind bars since 3.6.2020 and considering the pandemic situation of COVID-19, the trial

is not likely to be commenced in near future, therefore the applicant be released on bail.

5. Smt. Diggikar, the learned A.P.P. for the respondent-State submitted that the prosecutrix's statement is recorded. She has stated that she was assaulted by the applicant. Because of the threats given by the applicant, the prosecutrix did not raise shout and could not make any attempt to rescue. She submitted that the prosecutrix is minor. Therefore, offence being serious in nature, the applicant cannot be released on bail.

6. Perused the papers annexed with the petition. The prosecution has recorded the statements of Shri Pandharinath Kalwade, resident of Wasoki, Tq. Khed, Dist. Pune, who has stated that the applicant and the prosecutrix had stayed in his house as tenant and the applicant had introduced the victim to him as his wife. Another witness Tanhaji Dagadu Panmand, Abasaheb Taskude and Pinkubai Vitthal Rathod have made similar statements. The conduct of the prosecutrix goes to show that she had voluntarily accompanied the applicant.

7. The applicant is the resident of the village of the prosecutrix. He has fixed place of residence. He will be available for the trial. Having regard to the age of the applicant and the fact that

the trial is not likely to commence in near future because of pandemic situation created by COVID-19, it will be appropriate if the applicant is released on bail by imposing conditions. In view of this, following order is passed :

ORDER

1. Application is allowed.
2. Applicant Ravindra Vasant Gonde be released on P.R. bond of Rs. 15,000/- (Rs Fifteen Thousand Only), with one solvent surety in the like amount, in Cr. No. 189 of 2018, registered with Sangamner, Police Station, Tq. Sangamner, District Ahmednagar, for the offence punishable under Section 376(2) (I), 363, 366, 323, 506 of the Indian Penal Code, and under Section 4 of the Protection of Children from Sexual Offences Act, 2012 on condition that the applicant shall not temper with the prosecution evidence, in any manner whatsoever.

**(M. G. SEWLIKAR)
JUDGE**

mahajansb/