

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.63 OF 2020

Vikas Anant Bankar

...Applicant

Versus

The State of Maharashtra

...Respondent

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Ms. Bhagyashri R. Mangale, Advocate for the Applicant.

Smt. Veera Shinde, APP for the State-Respondent.

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CORAM : PRAKASH D. NAIK, J.

DATE : 30th January, 2020

PC :

1. This is an application for anticipatory bail in connection with C.R. No. 260 of 2019 registered with Karmala Police Station, Dist. Solapur for offences punishable under Sections 376, 376(3), 384, 323, 504, 506 r/w Section 34 of Indian Penal Code and Section 4,6,17 of Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO' Act).

2. Complaint was lodged by mother of victim on 12th April, 2019. It is alleged that on 7th April, 2019, she was informed by Dharmaraj Chavan (father of applicant Abhijeet Chavan) that her daughter (victim) is in their house. The complainant had visited house of Dharmaraj Chavan. Wife of Dharmaraj told complainant that victim was passing through the road crying, hence she was taken in their

house. The victim disclosed that in November, 2018, while she was going to school, Gauri Gathe and Omkar Pujari met her. She accompanied them. They took her to room. Both of them pushed victim in room and closed door from outside. Abhijit Chavan was inside room. He had forcible sexual intercourse with her. Thereafter, the said accused threatened her. She also disclosed that thereafter again accused took her to hotel and had physical relationship.

3. The age of the victim at the time of incident is 14 years 7 months. The statement of the victim was recorded under Section 164 of Code of Criminal Procedure, 1973 ('Cr.PC' for short). On completing investigation, charge-sheet is filed. The role that has been attributed to the applicant is that some where in November, 2018, the applicant, Gauri Gathe and Abhijit Chavan met victim. She was threatened of making video viral and taken in the Swift Car of the applicant to hotel. She was subjected to sexual assault by accused Abhijit Chavan.

4. Learned APP submitted that during the course of investigation statement of owner of Swift car is recorded who has stated that the applicant was using that car.

5. I have perused the complaint, statement of the victim recorded under Section 164 of Cr.PC and other documents on record. The

victim had disclosed that in November 2018, the applicant Abhijit Chavan had sexually assaulted her. She was taken to the premises by Gauri Gathe, Omkar Pujari. Both of them pushed victim in room. The door was closed from outside and the other accused Abhijit @ Pappu Chavan subjected her to sexual assault. The victim had also disclosed that five days latter, accused Abhijit Chavan took her from his Swift car to hotel Dhanashree at Nagar Road, Karmala. They checked into room of the hotel. Accused had forcible sexual intercourse with her. Thus, the first incident was in November 2018, which was followed by second incident five days thereafter, the F.I.R. was lodged on 12th April, 2019. Victim had accompanied the accused in the hotel. Although, the first incident had occurred in November, 2018, the accused had allegedly taken her to the hotel, immediately thereafter they had physical relationship. I have perused the medical case paper. One page document produced by applicant do not indicate incriminating circumstance. In this statement under Section 164 Cr.PC. Victim has referred to incidents referred to above. It is alleged that accused Abhijit Chavan had threatened her about recording of video and thus she accompanied him. In statement under Section 164, victim has also alleged that Omkar Pujari had clicked her photograph. Complainant has narrated the incident as stated to her by victim. There is no reference to clicking

photograph or video recording. The victim had not informed about incident to any person. Although, the complainant was informed about incident on 7th April, 2019 and F.I.R. was lodged on 12th April, 2019. The co-accused Omkar and Abhijeet were arrested. They have been directed to be released on bail by order dated 19th December, 2019 passed by this Court. In view of role attributed to the applicant, case for grant of anticipatory bail is made out.

6. Hence, I pass the following order :

ORDER

- i) Anticipatory Bail Application No.63 of 2020 is allowed;
- ii) In the event of arrest of applicant in C.R. No. 260 of 2019 registered with Karmala Police Station, Dist. Solapur, the applicant be released on bail on furnishing P. R. Bond in the sum of Rs.25000/-, with one or more sureties in the like amount;
- iii) The applicant shall attend Investigating Officer on 5th, 6th, & 7th February, 2020 between 11.00 a.m. to 2.00 p.m. and thereafter as and when called for till filing of charge-sheet.
- iv) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)