

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

**CRIMINAL BAIL APPLICATION NO. 2335 OF 2019**

Ramvilas Pancham Prajapati

.. Applicant

*Vs.*

The State Of Maharashtra

.. Respondent

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Mr.Satyavrat Joshi a/w Mr. Nitesh J. Mohite a/w Sagar S. Tambe,  
Advocate for Applicant.

Smt. A.A. Takalkar, A.P.P. for the State-Respondent.

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**CORAM : PRAKASH D. NAIK, J.**

**DATE : 10<sup>th</sup> FEBRUARY 2020**

**PC.**

1           The Applicant was arrested in connection with C.R. No. 1474 of 2018, registered with Hadapsar Police Station, Pune, for offence punishable under Sections 363, 366, 376 of the Indian Penal Code (for short "IPC") and Sections 4 and 8 of the Protection of Children from Sexual Offences Act, 2012 (for short "POCSO Act").

2           The prosecution case is that, the victim aged about 17 years and 11 months, lodged report stating that, she was acquainted with the accused as he is their neighbour. On 10<sup>th</sup> February 2018, while she was alone in house, the accused

forcibly entered in house, bolted door from inside and assaulted her. He threatened to kill her and committed forcible intercourse with her. The accused threatened her not to disclose incident to anyone, otherwise he would kill her and her family members. In December 2012, accused gave her mobile phone and compelled her to talk to him. On 17<sup>th</sup> December 2018, the accused gave her call and told her to come at Vaidvadi. The victim refused. The accused threatened that, he would finish her mother. On account of threat, victim went to Vaidvadi. Accused was waiting there. She was asked to sit in auto rickshaw. She was taken to Tulshibaug. The accused purchased cloths for her and she was taken to Pune Railway Station. At 04:00 O' clock they boarded railway and went to Bhusawal. From there, they went to Jalgaon by Railway. The sister-in-law of the accused and his brother were searching them. The sister-in-law Maya Prajapati came to railway station. The accused quarreled with her. Railway Police came to the spot. They were taken to Police Chauki. The parent of the victim were called. The parents visited railway station and victim was brought to Pune. The complaint was lodged on 20<sup>th</sup> December 2018. The Applicant was arrested on 22<sup>nd</sup> December 2018. Victim committed suicide on 26<sup>th</sup> December 2018.

3           The Applicant preferred an application for bail before the Sessions Court at Pune. The said application was rejected by order dated 14<sup>th</sup> June 2019.

4           Learned Advocate for the Applicant submitted that, the FIR has been lodged at the instance of parents of the victim. Due to conduct of the parents, the victim was compelled to commit suicide. The Applicant has been falsely implicated in this case. No previous complaint was filed by the victim. She gave statement to the R.P.F. Jalgaon, wherein she has not made any grievance against the Applicant. At the time when the victim committed suicide, Applicant was in custody. There was love affair between accused and the victim. There are no criminal antecedents against the Applicant. Investigation is complete and charge-sheet is filed. The victim accompanied the accused from Pune to Jalgaon. She was not compelled to accompany accused. She did not inform anyone against act of Applicant until she was brought to Pune. The victim committed suicide in her house. The Applicant has not abetted suicide. Section 306 of IPC is not attracted against him.

5            Learned APP submitted that, the relationship was not consensual. The victim has stated that, the accused had forcible sexual intercourse. The accused threatened victim and subjected her to sexual assault. There is nothing to show that, there was love affair between victim and Applicant. The accused was responsible for death of victim. She was frustrated due to act of the Applicant and was constrained to commit suicide. Medical evidence is supporting the version of the complainant. The victim is aged about 17 years 11 months. The victim has alleged that, the accused was their neighbour. She was knowing him by face. On 10<sup>th</sup> December, 2018 the accused had entered into house and sexually assaulted her and threatened. On 12<sup>th</sup> December 2018 the accused gave her mobile phone. The accused gave her call and told to come at Vaidvadi. He has threatened her to come at Vaidvadi. They brought auto rickshaw and went to Tulshibaug.

6            It is pertinent to note that, the victim was allegedly sexually assaulted on 10<sup>th</sup> December 2018. This incident is followed by mobile phone being handed over to her by accused. The victim went to Vaidvadi and then to Tulshibaug, where the clothes were purchased for her. This fact certainly indicates that, the victim and the Applicant were acquainted with each other.

The victim did not inform about the incident dated 10<sup>th</sup> December 2018, 12<sup>th</sup> December 2018 and 17<sup>th</sup> December 2018 to her family members, while leaving home. On 17<sup>th</sup> December 2018 the victim did not disclose to her family, that she is forced by the accused to leave the house. Thereafter, they went to Bhusawal and then to Jalgaon. Her statement was recorded by R.P.F. by Jalgaon. The Sessions Court order refers to the statement dated 19<sup>th</sup> December 2018 recorded by R.P.F. Jalgaon. Learned Judge has observed that, the statement is in respect of the fact that, the victim left the house without disclosing to her parents. There is no allegation about the sexual assault on 17<sup>th</sup> December 2018 till 19<sup>th</sup> December 2018. The Applicant was in custody from 22<sup>nd</sup> December 2018. Thus, at the time of incident of suicide, Applicant was in custody. Prima facie it can be seen that the Applicant was not responsible or abetted victim to commit suicide. The victim was medically examined. The medical certificate refers to multiple old healed hymonal tear. In the medical examination report, the age of the victim is shown as 18 years. She was examined on 28<sup>th</sup> December 2018. The medical certificate also mentions that there is no fresh injury on the body. Statement of Kuldeep Ramharsh, police inspector attached to

R.P.F. Jalgaon is recorded on 06<sup>th</sup> January 2019. He stated that, on 18<sup>th</sup> December 2018, at about 04:00 pm, quarrel was going on between one girl and lady. The girl was accompanied by boy. He was quarreling with lady. The witness went to the spot and made inquiry. The girl told her name and disclosed aged as 17 year 11 months. The boy also gave his name. The lady also disclosed her name. The girl was frightened. Mobile phone number of father of the girl was taken and he was contacted. The girl had told that she is going to her relatives and boy accompanied her was her neighbour. The father of the girl visited Jalgaon and her custody was handed over to her father. The other lady quarreling with them is sister-in-law of Applicant. From the said statement, it is apparent that, the girl (victim) did not make grievance that she was forced by the boy (Applicant) to accompany him. On the contrary victim told that she is visiting to her relative's house. It is apparent that victim and the Applicant were quarreling with sister-in-law of Applicant. Thus, it appears that victim had accompanied the Applicant voluntarily.

7            Taking into consideration the aforesaid circumstances the Applicant need not be subjected to further custody and case for grant of bail is made out.

**ORDER**

- i) Bail Application No. 2335 of 2019 is allowed and disposed of;
- ii) The Applicant is directed to be released on bail in connection with C. R. No. 1474 of 2018 registered with Hadapsar Police Station, Pune, on furnishing P.R. bond in the sum of Rs. 25,000/- with one or more sureties in the like amount;
- iii) The Applicant shall attend Hadapsar police station, Pune, once in a month on every first Saturday between 11.00 am. to 01.00 pm. till conclusion of trial.
- iv) The Applicant shall not tamper with evidence;
- v) The Applicant shall attend Trial Court proceedings regularly, unless exempted by the Trial Court for some reason.

**( PRAKASH D. NAIK, J. )**