

IN THE HIGH COURT OF JUDICATURE OF BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPEAL NO.202 OF 2021

Umesh Gangadhar Khade

... APPELLANT

VERSUS

The State of Maharashtra & anr.

... RESPONDENTS

.....

Mr. A.R. Syed, Advocate for appellant

Mr. S.P. Sonpawale, A.P.P. for respondent No.1.

Mr. Krishna Solanke, Advocate for respondent No.2 (appointed)

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CORAM : R. G. AVACHAT, J.

DATE : 15th JUNE, 2021

ORDER :

Heard learned counsel for the appellant. Perused the First Information Report (F.I.R.) and the related papers. Also perused the impugned order.

2. The appellant/ accused has been arrested on 20/9/2020 in connection with Crime No.239/2020, registered with Sirsala Police Station, District Beed for the offence punishable under Sections 363, 366-A, 354-D of the Indian Penal Code, Sections 8 and 12 of the Protection of Children

from Sexual Offences Act and Sections 3(2)(va), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The F.I.R. has been lodged by the mother of the victim. It is alleged in the F.I.R. that the appellant/ accused kidnapped the informant's minor daughter on the night of 5/9/2020. The appellant/ accused is alleged to have extended a false promise of marriage to the daughter of the informant with a view to induce her. The informant claims to belong to scheduled caste. The F.I.R., therefore, came to be lodged.

3. Also heard learned A.P.P. and learned counsel appointed for the respondent No.2. Learned A.P.P. and learned counsel for respondent No.2 opposed to allow the appeal.

4. The victim is said to have been little over 17 years of age. It appears to be a case of emotional involvement. The statement of the victim indicates that, no sexual intercourse took place between her and the appellant. It would take time for commencement of the trial. In the facts and circumstances of the case, it is not desirable to keep the appellant/ accused behind the bars. The appeal, therefore, deserves to be allowed. Hence the order :-

ORDER

(i) Criminal Appeal is allowed. The appellant shall be released on bail in connection with Crime No.239/2020, registered with Sirsala Police Station, District Beed for the offence punishable under Sections 363, 366-A, 354-D of the Indian Penal Code, Sections 8 and 12 of the Protection of Children from Sexual Offences Act and Sections 3(2)(va), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 on his executing P.R. bond in the sum of Rs.15,000/- (Rupees fifteen thousand) with one surety in the like amount.

(ii) The appellant shall not tamper with the prosecution evidence.

(iii) Fees of Mr. Krishna Solanke, learned counsel appointed for respondent No.2 is quantified at Rs.4000/- (Rupees four thousand).

**(R. G. AVACHAT)
JUDGE**

fmp/-