

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 576 OF 2021

Satish Ramesh Kurankar

Applicant

Versus

The State of Maharashtra & another

Respondents

Mr. R.S. Deshmukh, Senior Counsel instructed by Mr. D.R. Deshmukh, Advocate for the applicant.

Mr. V.M. Kagne, APP for respondent/State.

Mr. D.A. Naik, Advocate for the informant.

CORAM : M.G. SEWLIKAR, J.

DATE : 21st October, 2021.

PER COURT :

1. This is an application under Section 439 of the Code of Criminal Procedure for releasing the applicant on bail.

2. It is the prosecution case that on 6th January, 2021, victim aged 17 years was alone at home. She heard some sound owing to which, she went to the backyard where she found applicant standing in her house. Applicant said to her that he was in love with her and dragged her towards him and pressed her breasts. She

raised shouts. Applicant threatened her that if she did not respond, he would kill her and her parents. On hearing her shouts, her mother, paternal aunt Archana and paternal aunt (father' sister) Annapurna came there. On seeing them, the applicant ran away. On these allegations, First Information Report came to be lodged under Section 452, 354, 354(A)(1)(i), 506 of the Indian Penal Code and under Section 8 of Protection of Children from Sexual Offences Act.

3. Heard Shri R.S. Deshmukh, learned Senior Counsel instructed by Shri D.R. Deshmukh, learned counsel for the applicant, Shri Kagne, learned APP for the State and Shri Naik, learned counsel for the informant.

4. Shri Deshmukh, learned Senior Counsel, submits that applicant and the victim are in love with each other. He submits that the date of birth of the victim is 13th June, 2003, which means on the date of the offence, her age was 17 ½ years. He submits that earlier also, the applicant had been implicated. He submits that after lodging First Information Report in the earlier offence, victim had given statement before the police stating therein that nobody had kidnapped her and she had voluntarily accompanied the applicant.

He submits that this shows that the applicant and the victim are in love with each other. He submits that charge-sheet in the earlier offence is filed and the trial is at the stage of framing of charge. He submits that if applicant is released on bail, he will remove himself from the village and will not go to the village till conclusion of the trial.

5. Learned APP Shri Kagne and Shri Naik, learned counsel for the informant, submit that in the earlier offence, statement of victim was recorded under Section 164 of the Code of Criminal Procedure in which, she deposed in the manner as detailed in the First Information Report. They further submit that soon after the alleged supplementary statement was given, the victim filed an application before the concerned police station stating therein that because of pressure of the uncle of the applicant, she had given that statement. They further submit that in the present offence also, statement of the victim under Section 164 of the Code of Criminal Procedure is recorded which shows that it is in tune with the First Information Report.

6. Charge-sheet is filed. Offence under Section 8 of the Protection of Children from Sexual Offences Act is punishable with imprisonment which shall not be less than three years but which may extend to five years. Offence under Section 354 (A)(1)(i) of the Indian Penal Code is punishable with imprisonment for three years and offence under Section 354 of the Indian Penal Code is punishable with imprisonment which shall not be less than one year but which may extend to five years.

7. In the case of Sanjay Chandra vs. CBI reported in AIR 2012 SC 830, the Honourable Supreme Court has held as under :-

“It is, no doubt, true that the nature of the charge may be relevant, but at the same time, the punishment to which the party may be liable, if convicted, also bears upon the issue. Therefore, in determining whether to grant bail, both the seriousness of the charge and the severity of the punishment should be taken into consideration.”

8. Considering the fact that charge-sheet is filed and that the applicant is behind bar since 16th February, 2021 i.e. for more than 8 months, and that trial is not likely to commence in view of the pandemic situation arising out of Covid-19. I am inclined to release him on bail. Hence, the following order :-

ORDER

- i) Application is allowed.
- ii) Applicant be released on PR Bond of Rs.50,000/- (Rs. Fifty Thousand) with one solvent surety in the like amount in connection with Crime No. 1/2021 registered with Fardapur Police Station, Dist. Aurangabad for the offences punishable under Sections 452, 354, 354(A)(1)(i), 506 of the Indian Penal Code and under Section 8 of Protection of Children from Sexual Offences Act, on condition that he shall not enter Soygaon Taluka till conclusion of the trial and shall not keep any contact with the victim.
- iii) Application is disposed of.
- iv) It is clarified that the observations made in the above order are restricted to the decision of this application only and the trial Court shall not get influenced by the same and can come to its independent conclusion during trial.

(M. G. SEWLIKAR)
Judge

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1469 OF 2021 IN
BAIL APPLICATION NO. 576 OF 2021

Namdev s/o Trimbak Thosar

Applicant

Versus

Satish S/o Ramesh Kurankar & another

Respondent

Mr. D.A. Naik, Advocate for the applicant.

Mr. V.M. Kagne, APP for respondent/State.

Mr. R.S. Deshmukh, Senior Counsel instructed by Mr. D.R.
Deshmukh, Advocate for respondent No. 1.

CORAM : M.G. SEWLIKAR, J.

DATE : 21st October, 2021.

PER COURT :

Application is allowed and accordingly disposed of.

(M. G. SEWLIKAR)
Judge

dyb