

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

911 BAIL APPLICATION NO. 1391 OF 2020

RAJU S/O DASHRATH SONWANE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Amit Savle h/f
Mr. Raje Vikrant P
APP for Respondent-State : Mr. A. S. Shinde

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CORAM : V. K. JADHAV, J.
DATED : 05TH JANUARY, 2021

PER COURT :-

1. The applicant is seeking regular bail in connection with Crime No. 7 of 2020 registered with Pimpalner Police Station, Taluka Sakri, District Dhule for the offence punishable under Sections 363, 376(1), 376(2)(n), 342, 506 34 of IPC and under Section 4 of the Protection of Children from Sexual Offences Act, 2012. His application below Exhibit 8 in Special Case (POCSO) No. 45 of 2020 with similar prayer came to be rejected by the Additional Sessions Judge, Dhule, vide order dated 25.09.2020.

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2. Learned counsel for the applicant submits that the investigation is over and the charge sheet has been submitted. The applicant is in jail in connection with the present crime since 23.03.2020. Learned counsel submits that two girls and two boys eloped from the village. Learned counsel submits that the informant has no first hand knowledge about the alleged incident. However, it appears from the statement of the victim that the victim had joined the company of the applicant voluntarily for going to Shabri Mata temple for *darshan* purpose. It further appears that the victim had travelled with the applicant at various places in bus, train etc. Learned counsel submits that only after the victim was brought to the police station, she has made allegations against the applicant about kidnapping and forcible intercourse. Learned counsel submits that the victim was aged 17 years, 6 months and some odd days at the time of the alleged incident. She has attained the age of understanding. *Prima facie* it appears that there was a love affair between them. The applicant is 20 years of age having

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no criminal history. The applicant is ready to abide the conditions, if imposed by this Court while enlarging him on bail. Learned counsel submits that the applicant may be released on bail.

3. Learned APP has strongly resisted the application on the ground that the victim is less than 18 years of age and as such, her consent, in any form, is immaterial. Learned APP submits that the applicant took the victim from the village under the pretext of going to Shabri Mata temple for *darshan* purpose and thereafter, took her to various places forcibly. Even the applicant and the victim had stayed in one rented room at Jalgaon and during the course of investigation, statements of the land-lord and his wife came to be recorded. As per their statements, the victim was crying all the time and she expressed her desire before them that she would like to go back. Learned APP submits that the medical examination report of the victim *prima facie* supports the allegations. There is strong case against the applicant. The applicant may not be released on bail.

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4. On going through the allegations made in the complaint and on perusal of the charge sheet, particularly the statement of the victim, it appears that the victim had not only joined the company of the applicant on the date of incident voluntarily, but thereafter travelled with him at various places. It further appears that the victim had ample opportunities to raise hue and cry or to approach the police station if at all she was subjected to kidnapping. It thus *prima facie* appears that there was a love affair between the applicant and the victim. It further appears from the statements of the said land-lord and his wife that the applicant and the victim resided in a rented room as husband and wife. The applicant is a young person aged 20 years, having no criminal history. Thus, considering the nature of allegations, I am inclined to release the applicant on bail with certain conditions. Hence, following order.

ORDER

I. The application is hereby allowed.

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II. The applicant RAJU S/O DASHRATH SONWANE be released on bail in connection with Crime No. 7 of 2020 registered with Pimpalner Police Station, Taluka Sakri, District Dhule for the offence punishable under Sections 363, 376(1), 376(2)(n), 342, 506 34 of IPC and under Section 4 of the Protection of Children from Sexual Offences Act, 2012, on his furnishing P.B. of Rs.20,000/- with one solvent surety of the like amount on the following conditions :-

a] The applicant shall not tamper with the prosecution evidence in any manner.

b] The applicant shall attend the concerned police station once in a week i.e. on every Sunday between 08.00 a.m. to 11.00 a.m. for a period of three months.

c] The applicant shall not make an attempt to meet or communicate the victim in any manner till conclusion of the trial.

III. Application is accordingly disposed of.

(V. K. JADHAV, J.)

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