

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1799 OF 2021

Narayan Meghshyam Bhatkar & Ors. .. Applicants

Versus

The State of Maharashtra .. Respondent

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Mr.Kuldeep S. Patil with Mr.Shashank P. Borade for the Applicants.

Ms.Rutuja Ambekar, APP for the State.

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CORAM: BHARATI DANGRE, J.
DATED : 4th AUGUST, 2021

P.C:-

1. The three applicants before this Court are arraigned as accused Nos.2 to 4 in C.R.No.308 of 2021 registered with Jat Police Station, District Sangli, invoking Sections 363, 366A, 376 read with Section 34 of the IPC and Sections 4, 8, 12 and 17 of the POCSO Act. In the said C.R., the main accused is one Dinesh Sarje.

2. On 19/06/2021, the mother of victim girl approached the concerned police station informing that her daughter, aged 16 years 5 months studying in 12th standard, left her house at 8.30 a.m. on the pretext that she is going for her tuition. Since she did not return home, a missing complaint was lodged. The victim girl was traced on 25/06/2021 in the company of accused No.1 and her statement came to be recorded.

3. The victim states that she was acquainted with accused No.1, who projected himself to be Dr.Dinesh Sarje and chatted with her on Instagram. He painted a rosy picture of himself, and his financial background. He lured her by falsely projecting his wealth in form of vehicles, salary etc. On he expressing love, the victim girl fell for it and on 19/06/2021, he convinced her to elope with him. According to the plan, she met accused No.1, who was present with an Innova car. There were four unknown persons, who were present and they were introduced by accused No.1 as the partners of Krishna Facilities and their names were given as Dhananjay Sawant, Bhatkar Sir, Rishi Bhatkar and Shri Bhatkar. Bhatkar Sir is applicant No.1 whereas applicant No.2 is referred as Bhatkar and Dhananjay Sawant, driver is applicant No.3.

The victim girl then narrate that she was taken by aforesaid persons to Pandharpur where some meeting was arranged in Padalkar Hospital, but she is unaware as to what transpired in the meeting. Thereafter, they came to some Ashram, the details of which are not given by her. In the evening, they reached at the house of applicant No.1 where his wife also present and she was made to sleep separately with applicant No.1's wife. On next day, they proceeded to Aalandi where the marriage was solemnized in presence of all the applicants and accused No.1 and she herself signed in one Register. Thereafter, they returned to Pune and stayed in different rooms. On 21/06/2021, the victim girl accompanied accused No.1 to Mumbai and from Mumbai, they boarded a train to Calcutta. While they reached Gondia, on call of applicant No.1, they both returned back.

4. It is the case of prosecution that when they came to Nagpur from Gondia, they were required to halt in a lodge and in the lodge, accused No.1 committed sexual intercourse with her, against her will. On 23/06/2021, they started their journey backward and when they reached Jalna, they were apprehended by the police in the presence of her father.

This is the precise allegation pursuant to which, the offences punishable under Sections 366A and 376 read with Section 34 of the IPC and the relevant provisions of the POCSO Act came to be added in C.R.No.308 of 2021.

5. Learned counsel for the applicants has placed on record the documents to show that applicant No.1 is the proprietor of Krishna Facilities, which arrange for staff in various hospital and accused No.1 was one of such boy whose service came to be engaged by Shivganga Hospital, Sangli where the father of the victim girl was admitted. Perusal of the complaint would reveal that the applicants came into picture from the time when accused No.1 brought the victim girl with an intention of solemnizing the marriage. The applicants, undisputedly, participated in the marriage ceremony, but as per the victim girl, it is applicant No.1, who asked accused No.1 to return back and the couple commenced their journey back. The allegations, *prima facie*, reveal that the victim girl was in love with accused No.1, who is aged 22 years. It is a different case that he has given her misconceived notions and that is why she established relationship with him. However, the involvement of the present applicants, as alleged, is only limited to the extent of Section 366-A of the IPC. On reading

Section 366-A, it is clear that when any person, by any means whatsoever, induces a minor girl to go from any place or to do any act with intent that such girl may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person would amount to procurement of minor girl. Neither the victim girl has spelt out the said ingredients nor the prosecution at this stage has been able to make out that the applicants were aware of the intention that the girl was likely to be indulged in illicit intercourse by accused No.1. Under the *bona fide* belief that accused No.1 is in love with the victim girl and not knowing that she was minor and being an acquaintance of accused, the assistance has been rendered by the applicant No.1. His son i.e. applicant No.2 is merely 19 years old and applicant No.3 is the driver of applicant No.1.

6. In light of the aforesaid circumstances and taking over all view of the nature of accusations, custodial interrogation of the applicants is not warranted, provided that the applicants shall co-operate with the investigation. Hence, the following order.

: **ORDER** :

(a) The application is allowed.

(b) In the event of arrest in C.R.No.308 of 2021 registered with Jat Police Station, District Sangli, applicant No.1-Narayan Meghshyam Bhatkar, applicant No.2-Srikrushna Narayan Bhatkar and applicant No.3-Dhananjay Dilip Sawant shall be released on bail on

furnishing P.R. bond to the extent of Rs.20,000/- each, with one or two sureties of the like amount.

(c) The applicants shall report to the concerned police station on every Monday and Friday between 10.00 a.m. and 2.00 p.m. for a period of four weeks and thereafter, as and when called for.

(d) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and shall not tamper with the prosecution evidence.

[SMT. BHARATI DANGRE, J]