

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1869 OF 2021**

Prashant @ Bablu Ganpati
Shirtode

..

Applicant

Vs.

The State of Maharashtra

..

Respondent

...

Mr. Anand S. Patil for the Applicant.

Ms. Rutuja Ambekar, A.P.P. for the State.

...

CORAM : SMT. BHARATI DANGRE, J.

DATED : 10TH AUGUST, 2021.

P.C:-

1. The Applicant is charge-sheeted in C.R. No.347 of 2020 registered with Karkamb Police Station, thereby invoking Sections 363, 366(A), 354, 376(3) read with Section 34 of the IPC and Sections 4, 6, 8, 12 and 17 of the POCSO Act.
2. The complaint came to be filed by the mother of the victim girl, aged 16 years, pursuing her education in 10th Standard. The

statement of the victim girl herself is recorded. The case of the prosecution is that the victim girl accompanied one Jagdish Daware with whom her marriage was solemnized and the allegation is that the Applicant rendered his assistance in performance of the marriage. As far as the present Applicant is concerned, the role attributed to him by the victim girl is that when she eloped with the co-accused Jagdish, the present Applicant handed over a sack to Jagdish, when they were riding on the motorcycle. In her statement, she however, allege that the said marriage performed with her by Jagdish was forcible and against her will. This resulted in registration of C.R. in question invoking the provisions of POCSO Act, the age of the girl being below majority.

3. On perusal of the material contained in the charge-sheet, the role attributed to the Applicant is merely handing over of a sack containing articles belonging to Jagdish, when he eloped with the victim girl. Nothing else is compiled in the charge-sheet implicating him with the offence with which he is charged. The co-accused Anil Davre and Samadhan Daware are released on bail by this court by distinct orders passed on 09/04/2021 and 03/05/2021. Considering the limited role attributed to the Applicant in the charge-sheet, no custodial interrogation of the Applicant is warranted. He is, therefore, entitled for protection. Hence the following order:

: ORDER :

- (a) In the event of arrest, the Applicant – Prashant @ Bablu Ganpati Shirtode shall be released on bail in C.R. No.347 of 2020 registered with Karkamb Police Station, District Solapur, on executing P.R. bond to the extent of Rs.25,000/- and furnishing one or two sureties of the like amount.
- (b) The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case and shall not tamper with prosecution evidence.
- (c) The Applicant shall report to the Karkamb Police Station, Dist. Solapur, as and when required by the Investigating Officer.

5. The Application is disposed of in the aforestated terms.

6. All parties are directed to act on the downloaded copy of the order supplied by the Advocate under his seal and signature.

[SMT. BHARATI DANGRE, J.]