

Mr. Shailesh Chavan a/w Jitendra Sawant, for the Applicant.
Ms. Anamika Malhotra, APP, for the State-Respondent No.1.
Ms. Deepal Thakkar, for Respondent No.2.

RESERVED ON : 25th November, 2021.
PRONOUNCED ON : 9th December, 2021.

. The present application has been moved by the applicant under Section 439 of the Code of Criminal Procedure in C.R. No. 168 of 2021 registered with Dehuroad Police Station, District- Pune for the offences punishable under Sections 376, 384, 109, 120-B of the Indian Penal Code and Sections 4, 8, 17 of Protection of Children from Sexual Offences Act, 2012.

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According to her, accused Rutuja Rajeshwar Sapate befriended the victim on Instagram and the said accused thereafter introduced the victim to other two accused, namely, Pranav Anil Mahadik and Adarsh Santosh Waghmare (applicant). Even accused Pranav pretended to have fallen in love with the victim. After passage of time these accused started extracting moneys from the victim on one or other counts. Even they threatened her with consequences if she failed to bring cash amount and ornaments from her house. The victim paid them cash amount of Rs.45,000/- and ornaments from time to time by committing theft in her own house. The prosecution also alleges that the applicant was a party to the conspiracy and also used to pressurize the victim. As far as the accused Pranav is concerned, it is alleged that he committed sexual assault on the victim. The informant accordingly lodged the report.

3 Mr.Chavan, learned Counsel for the applicant, submits that as far as the offence under Section 376 of IPC is concerned, the same is attributed to accused Pranav and even all other acts were initiated by the said accused. The recovery of ornaments at the instance of applicant has already been done. Moreover, accused Rutuja Rajeshwar Sapate is also released on bail by the trial Court. There are no criminal antecedents. In such circumstances, the applicant be enlarged on bail,

urged learned Counsel.

4 Ms. Malhotra, learned APP, on the other hand, opposed the submissions by contending that the present applicant was conspirator, who helped accused Pranav Mahadik and extracted moneys from the victim. Not only that even they made victim to commit theft of gold ornaments in her own house and in a sense were blackmailing her. Having regard to the seriousness of offence, the present application does not deserve consideration, argued learned APP.

5 Ms. Thakkar, learned Counsel for respondent no.2-informant, has adopted line of argument advanced by learned APP and submits that since applicant was party to the conspiracy, he should not be enlarged on bail.

6 Perused investigation papers. It is apparent from the FIR that all the accused including the applicant in a systematic way firstly not only befriended the victim but thereafter started blackmailing her and on that count extracted moneys from time to time. Even they made victim to commit theft in respect of ornaments and moneys in her own house and hand over to them. The serious allegation is of penetrative sexual

assault against accused Pranav Mahadik and not against the present applicant.

7 I have also gone through the statement of prosecution witness, namely, Jayesh Jayantillal Jain. It appears from his statement that this witness runs a jewellery shop by name Kirti Jewellers. On 07/04/2021 when the police had taken the applicant to his shop, he handed over all the ornaments to the police which were given to this witness by the applicant. Thus, there is recovery of ornaments also. No other criminal antecedents are forthcoming.

8 Having regard to the role of the applicant, in my considered opinion, he deserves to be enlarged on bail inasmuch as the trial may take its own time and his custody is no more necessary for any purpose. Hence, the following order.

ORDER

(i) **Applicant- Adarsh Santosh Waghmare shall be released on bail in C.R. No. 168 of 2021 registered with Dehuroad Police Station, District- Pune on his executing P .R. bond in the sum of Rs.20,000/- with one or more sureties in like amount.**

(ii) The applicant shall not tamper with the prosecution evidence and shall attend the trial regularly.

(iii) The observations made herein-above are prima-facie in its nature for the purpose of deciding the bail application only. The trial Court shall not be influenced by the observations while deciding the case on merits.

(iv) Bail before the trial Court.

(v) The application is allowed in the aforesaid terms and stands disposed of accordingly.

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(V. G. BISHT, J.)