

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Criminal Appeal No. 1008 / 2021

Sudhir Tukaram Rupnavar and Anr. .. Appellants
Versus.
The State of Maharashtra and Anr. .. Respondents

Mr. Devidas J. Jadhav, for the Appellant.

Ms. S.V. Sonawane, APP for State.

Ms. Dhanalakshmi Iyer appointed Advocate for Respondent No.2.

Mr. Tanaji Narayan Pawar, P.S.I., Natepute Police Station.

CORAM : SANDEEP K. SHINDE J.

DATE : 22nd DECEMBER, 2021.

P.C. : -

1. Appellants are seeking their enlargement on bail in Crime No.371/2021 registered at Natepute Police Sation, Dist. Solapur for the offences punishable under Sections 354, 354A, 354D, 341, 506 read with 34 of the Indian Penal Code, 1860; Sections 8 and 12 of the

Protection of Children from Sexual Offences Act, 2012 (POCSO) and Sections 3(1)(w),(2), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Prosecution case in brief is that the Accused in furtherance of their common intention, to foster interaction with the victim, forced her to click a photograph with them. Victim reported, the incident to her father on the same day i.e. in the month of August, 2021, yet the report was filed on 23rd October, 2021, wherein victim would allege that on 22nd October, 2021, Accused No.1 and 2 again attempted to establish contact with her, despite her clear indication of disinterest.

3. The Appellants are Accused No.3 and 4. They were arrested on 10th November, 2021.

4. Perused the FIR. It reveals that Appellants-Accused No.3 and 4 were allegedly accompanying the

Accused No.1 and 2 on a motor bike; however Complainant-victim, has not attributed 'any' overt-act to them. Material accusations have been made against Accused No.1 and 2.

5. Appellants are in custody from 10th November, 2021. Investigating Officer informs that investigation is over. The trial is not likely to commence in the near future. However, Appellants' presence for the trial can be secured by imposing suitable conditions.

6. It may also be stated that the accusations in the FIR, prima facie, do not constitute an offence under the Act of 1989 against the Appellants.

7. In consideration of the facts aforesaid and for the reasons, Appellants are directed to be enlarged on bail in Crime No. 371/2021 registered with Natepute Police Station, Dist. Solapur on executing PR Bond for the sum of Rs. 15000/- each, with one or more sureties in the like amount.

8. The Appellants shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

9. Appellants shall report to the Police Station, twice a month i.e. 2nd and 4th Monday between 01:00 pm. to 02:00 pm. commencing from January, 2022, initially for the five months and thereafter as and when called by the Investigating Officer or till the charge is framed, whichever is earlier.

10. The Appeal is allowed and disposed of.

(SANDEEP K. SHINDE, J.)

MOHAMMAD
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by MOHAMMAD
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Date: 2021.12.22
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