

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.1031 OF 2022

1. Kailas s/o Shivaji Chaudhari
2. Gaurav s/o Gajanan Nhavi
3. Yogesh @ Mayur s/o Sambhaji Chaudhari
4. Pramod @ Pappu s/o Sanjay Chaudhari ...**APPLICANTS**

VERSUS

The State of Maharashtra & another ...**RESPONDENTS**

.....
Mr. A.K. Bhosle, Advocate for applicant
Mr. A.V. Deshmukh, A.P.P. for respondent No.1.
Ms Deepali S. Patil, Advocate for respondent No.2.

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CORAM : R. G. AVACHAT, J.

DATE : 20th AUGUST, 2022.

PER COURT :

Heard. This is an application for bail under Section 439 of the Code of Criminal Procedure. The applicants have been arrested in connection with Crime No.0117/2022, registered at Pimpalgaon Police Station, District Jalgaon for the offences punishable under Sections 376-DA, 376(2)(j), 376(2)(n), 354-A, 354-D, 323, 342, 504, 506 read with Section 34 of the Indian Penal Code, Sections 4, 6, 8 and 12 of the protection of Children from Sexual

Offences Act Sections 4, 6, 8 and 12 of the protection of Children from Sexual Offences Act and Sections 3(1)(r), 3(1)(s), 3(1)(w)(i)(ii), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act

2. The F.I.R. has been lodged by the victim herself on 14/5/2022. It is her case that, she was emotionally involved with co-accused Dnyaneshwar. Both of them hail from village Kalamsara, District Jalgaon. Co-accused Dnyaneshwar would meet her at his residence, in field and at a place wherever possible. He had sexual intercourse with the informant many a times. The informant claimed to be little over 12 years of age. The applicants are also from the same village. They are said to be friends of co-accused Dnyaneshwar. It is also the case of the informant that, the applicants would assist Dnyaneshwar in arranging his meetings with her. Last such incident took place on 13/5/2022 at Pandhari (name of the place).

3. The learned A.P.P. would submit that, the victim was in the age group of 12 – 13 years. The applicants have assisted the co-accused Dnyaneshwar in committing the alleged offences. He, therefore, urged for rejection of the bail application. The learned Advocate representing the victim

reiterated the same.

4. Perused the F.I.R. and related papers. The applicants have been behind the bars for little over three months. They have not been attributed with any overt act as against the victim (informant). Considering their role in the alleged offence, it is not desirable to keep them behind the bars, more so considering their ages. Hence the order :-

ORDER

(i) The Bail Application is allowed.

(ii) The applicants be released on bail in connection with Crime No.0117/2022, registered at Pimpalgaon Police Station, District Jalgaon on their executing P.R. bond in the sum of Rs.15,000/- (Rupees fifteen thousand) each with one surety in the like amount.

(iii) The applicants shall not tamper with the prosecution evidence in any manner.

(iv) Fee of learned counsel appointed to represent respondent No.2 is quantified at Rs.6,000/- (Rupees six thousand).

(R. G. AVACHAT, J.)

fmp/-