

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

BAIL APPLICATION NO.1273 OF 2022

1. Deepak s/o Dhulaji Barkade

2. Sagar Rodiba Kargal

... **APPLICANTS**

VERSUS

The State of Maharashtra & another

... **RESPONDENTS**

.....

Mr. N.B. Narwade, Advocate for applicants

Mr. N.T. Bhagat, A.P.P. for respondent No.1 – State

Ms Mousumi Raut, Advocate for respondent No.2 (appointed)

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CORAM : R. G. AVACHAT, J.

DATE : 7th SEPTEMBER, 2022.

PER COURT :

Heard. Learned A.P.P. informs that, the respondent No.2 – victim has been given intimation about the notice dated 18/8/2022 issued by this Court. None appears for respondent No.2. Ms Mousumi Raut, learned counsel is appointed to represent respondent No.2.

2. 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.246/2022, registered at Parner Police Station, District Ahmednagar for the offences

punishable under Sections 363, 366, 376(2)(n), 506 read with Section 34 of the Indian Penal Code and Sections 3, 4, 5(i), 6, 34 of the Protection of Children from Sexual Offences Act.

3. The First Information Report (F.I.R.) has been lodged by the father of the victim, alleging therein that, his daughter of little over 15 years of age left the school for appearing in 10th Standard examination, but did not return home. According to him, some unknown person kidnapped her for unknown reason. The crime, therefore, came to be registered. The investigation is under-way. It was revealed during the investigation that, co-accused Sharad took the victim in a car first to Manchar and then to the village Wadgaon Nimbalkar in Baramati Taluka, District Pune. Both of them stayed together. The co-accused Sharad has sexually exploited the victim many a time.

4. As per the case of the prosecution, the present applicants have assisted the main accused in taking the victim away. Both of them were present in the car in which both the victim and accused No.1 travelled first to Manchar and then to Wadgaon Nimbalkar.

5. The learned A.P.P. and learned counsel representing the respondent No.2 victim would submit that,

the investigation of the crime is under-way. The main accused has not yet been arrested. If the applicants are granted bail, wrong message would go to the society. According to her, this is the best case to reject the Bail Application of the applicants.

6. Considered the submissions advanced. Perused the F.I.R. and the related papers. The applicants have allegedly helped their friend. It appears to be a case of emotional involvement between co-accused Sharad and the victim. The applicants have been behind the bars for about two months. Considering the role played by the applicants in the offence in question and their age as well, their further detention appears to be unwarranted. Hence the order :-

ORDER

- (i) The Bail Application is allowed.
- (ii) The applicants be released on bail in connection with Crime No.246/2022, registered at Parner Police Station, District Ahmednagar for the offences punishable under Sections 363, 366, 376(2)(n), 506 read with Section 34 of the Indian Penal Code and Sections 3, 4, 5(i), 6, 34 of the Protection of Children from Sexual Offences Act on their

executing P.R. bond in the sum of Rs.15,000/- (Rupees fifteen thousand) with one surety in the like amount.

(iii) Fees of Ms Mousumi Raut, learned counsel for respondent No.2 (appointed) is quantified at Rs.6000/- (Rupees six thousand).

(R. G. AVACHAT, J.)

fmp/-