

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

10 BAIL APPLICATION NO.1408 OF 2021

Pradyuman s/o Radhakishan Dhepe
Age: 23 years, Occu.Agril., & Labour,
R/o.Kaudgaon, Tq.Pathan,
Dist.Aurangabad.

..Applicant/
Petitioner

VERSUS

1. The State of Maharashtra
Through Police Inspector,
Sillegaon Police Station,
Tq.Gangapur, Dist.Aurangabad.

2. XYZ ..Respondents

...
Advocate for Applicant : Shri K.F.Shingare
APP for Respondent No.1 : Shri V.S.Badakh
Advocate for Respondent No.2 : Shri Adinath Jagtap (appointed)

...
CORAM : M.G.SEWLIKAR, J.

DATE: 8th February, 2022

PER COURT :-

1. Heard.

2. Informant is the grandfather of the victim. Informant had a daughter, who is no more. She has two daughters, who are twins. The victim aged 16 years was allegedly kidnapped by the applicant on 12th August, 2021. Informant lodged a missing complaint. Applicant and victim were located and brought back

to Police Station, Shillegaon, Tq.Gangapur, District Aurangabad.

3. During the investigation, it transpired that applicant had penetrative sexual assault with the victim. Therefore, offence under Sections 363, 366(A), 376, 354, 354(A) of the Indian Penal Code and under Sections 4, 8, 12 of the Protection of Children from Sexual Offences (POCSO) Act, vide Crime No.0242 of 2021 came to be registered with the Shillegaon Police Station, Dist.Aurangabad, against the applicant.

4. Shri K.F.Shingare, learned counsel for the applicant submits that there is absolutely no evidence to show that applicant had penetrative sexual intercourse with the victim. He submits that simply on the ground that the applicant is threatening the family members of the victim, his bail application has been rejected by the Special Court.

5. Shri V.S.Badakh, learned APP for respondent No.1 and Shri Adinath Jagtap, learned counsel for respondent No.2 (appointed) submit that victim has stated in her statement under Section 161 of the Code of Criminal Procedure that applicant established penetrative sexual assault with the victim. Her statement cannot be doubted at this stage. They further submitted that applicant

threatened the family members of the victim of dire consequence if they did not withdraw the complaint.

6. Charge-sheet is filed. On perusal of the charge-sheet, it is seen that victim was referred for medical examination. She declined to get herself examined. Her statement under Section 161 of the Code of Criminal Procedure shows that she is in love with the applicant. Age of the applicant is 23 years. He does not have criminal antecedents. He is not likely to flee from justice as he has permanent residence at village Shillegaon. In this view of the matter, I am inclined to release the applicant on bail. Hence, the order.

ORDER

- i) Bail Application is allowed.
- ii) Applicant be released on P.R.Bond of Rs.15,000/- (Rs.Fifteen thousand only) with one solvent surety in the like amount, in connection with Crime No.0242 of 2021, registered with Shillegaon Police Station, Dist.Aurangabad, under Sections 363, 366(A), 376, 354, 354(A) of the Indian Penal Code and under Sections 4, 8, 12 of the POCSO Act, and on condition that he shall not enter village Shillegaon and shall not keep any contact with the victim or her family members till the conclusion of the trial.

- iii) Bail Application is disposed of.
- iv) Fees of the appointed counsel is quantified at Rs.5,000/- (Rs.Five thousand only). It is to be paid through the High Court Legal Services Authority, Sub-Committee, Aurangabad.
- v) It is clarified that the observations made in the above order are restricted to the decision of this application only and the trial Court shall not get influenced by the same and can come to its independent conclusion during trial.

(M.G.SEWLIKAR)
JUDGE

SPT