

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 4023 OF 2021

Prakash @ Bhaiyya Mukund Dhavale .Applicant

Vs.

The State of Maharashtra & anr. .Respondents

**WITH
INTERIM APPLICATION NO. 783 OF 2022
IN
BAIL APPLICATION NO. 4023 OF 2021**

Sujata Samadhan Khatake .Intervenor

IN THE MATTER BETWEEN

Prakash @ Bhaiyya Mukund Dhavale .Applicant

Vs.

The State of Maharashtra & anr. .Respondents

Mr. Shailesh D. Chavan a/w Mr. Dayanand Patil & Mr.
Ajinkya D. Sangitrao, Advocate, for the Applicant
Mrs. M. R. Tidke, APP, for the Respondent No. 1 – State
Mr. Prasad Anbhule, PC, B. No. 1838, Tembhurni Police
Station, Solapur (Rural) present

CORAM : VINAY JOSHI, J.

DATE : 02.05.2022

P. C.

. The applicant is seeking regular bail in C. R. No.
512 of 2021 registered with the Tembhurni Police Station,

Solapur (Rural) for the offence punishable under Sections 376(2)(n), 363, 342, 506 of the Indian Penal Code and under Sections 4 & 6 of the Protection of Children from Sexual Offences Act (for short 'POCSO' Act).

2. The State has opposed bail by contending that at the time of occurrence, victim was minor and the offence is of serious nature.

3. At the instance of report lodged by victim girl, aged 16 years, crime was registered. It is the prosecution case that on the date of occurrence i. e. 05.08.2021 at around 10.00 a.m. while victim was on the way, the applicant compelled her to sit on the motor cycle and took her to nearby agricultural land. The applicant had forcible sexual intercourse with victim under threat and compelled her to remain in nearby tractor trolly. The victim stated that for whole day and night, she remained in the tractor trolly only. On the following day, again applicant came, took out her from the trolly. In the evening, she reported the things to her family members. Hence, the report.

4. The applicant's learned counsel by denying physical relationship contended that it was love affair in between two young persons. He has produced photograph to show the intimate relationship in between them. Perused the medical examination report. There are no external injuries on the person or genital of the minor. Pertinent to note that the alleged incident took place in the agricultural land. However, there are no slightest injuries. Prima facie, the said circumstance goes against the prosecution case. The applicant is young boy, aged 22 years. Investigation is complete and charge-sheet has been filed. It is informed that at present, the victim is married and staying at Phaltan. Therefore, hardly there can be possibility of tampering the prosecution witnesses. Investigation is complete and charge-sheet has been filed.

5. Having regard to all above facts, the applicant can be released on bail by putting him on certain terms. In view of that, the following order.

ORDER

- (i) The Application stands allowed;
- (ii) The applicant namely - Prakash @ Bhaiyya Mukund Dhavale in C. R. No. 512 of 2021 registered with the Tembhurni Police Station, Solapur (Rural) for the offence punishable under Sections 376(2)(n), 363, 342, 506 of the Indian Penal Code and under Sections 4 & 6 of the POCSO Act, be released on bail on his furnishing P. R. Bond of Rs. 25,000/- with one or two sureties in the like amount;
- (iii) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.

6. The Application stands disposed of.

7. In view of disposal of Bail Application, the Interim Application No. 783 of 2022 does not survive and same stands disposed of accordingly.

(VINAY JOSHI, J.)