

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 507 OF 2023

Laxman Tukaram Pawar

... Applicant

Versus

The State of Maharashtra and another

... Respondents

...

Mrs. Rani R. Tandale – Advocate for applicant

Mr. S. P. Sonpawale – APP for respondent no. 1/State

Mrs. Pratibha Suryawanshi – Advocate for respondent no.2

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CORAM : S. G. MEHARE, J.

DATE : 06th APRIL, 2023

PER COURT :

1. Heard learned counsel for the applicant, the learned APP for the respondent/State and the learned counsel for respondent no.2.

2. The applicant is seeking bail in Crime No. 0850 of 2022 registered with Shevgaon Police Station, Dist. Ahmednagar, for the offence punishable under Sections 363, 376(2)(n) 366, 372, 373, 506 r/w 34 of Indian Penal Code, Sections 3, 4 and 8 of the Prevention of Children from Sexual Offences Act, Sections 9, 10 and 11 of Child Marriage Prevention Act and Sections 3(1)(w)(i)(ii), 3(2)(v-a), 3(2)(5) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act.

3. This is the case of human trafficking. The victim was 15 years and 3 months old at the time of alleged incident. The record reveals that she was acquainted with co-accused Gajanan Kashinath Bide. She used to perform in Jagaran Gondhal program. She alleged against co-accused Gajanan Kashinath Bide that he called her and took in one room and did forcible sex with her twice in the night. On the next day, she went with co-accused Gajanan Kashinath Bide and present applicant to Indore by a private bus. Then, she was taken to different places and lastly her marriage was performed with one person on 14.11.2022. The statement of her mother reveals that the victim was in contact with her till 15.11.2022. She did not raise voice from 07.11.2022 till she was taken into custody by parents and police. The role attributed to the applicant is that he accompanied them from 07.11.2022 till 15.11.2022. Money has also not been recovered from him. Statement of the victim shows that she never resisted any of the accused. She appears to have voluntarily went with the accused. However, the role attributed to the applicant is barely accompanying the co-accused Gajanan Kashinath Bide, against whom serious allegations have been levelled. The papers reveal that the applicant did not know the victim before the day of the incident.

4. On examining the entire papers placed before this court, the role attributed to the applicant appears limited that he travelled with the victim and other co-accused. Except this, there is no material against the present applicant. In these circumstances, the offence being *prima facie* serious, the Court is of the view that the detention of the applicant in jail would serve no purpose. However, the bail may be granted on stringent conditions. Hence, the following order.

ORDER

- [i] The application is allowed.
- [ii] Applicant – Laxman s/o Tukaram Pawar be released on bail on his furnishing PB and SB of Rs. 50,000/- (Rupees Fifty Thousand) with one solvent surety of like amount in Crime No.0850 of 2022 registered with Shevgaon Police Station, Dist. Ahmednagar, for the offence punishable under Sections 363, 376(2)(n) 366, 372, 373, 506 r/w 34 of Indian Penal Code, Sections 3, 4 and 8 of the Prevention of Children from Sexual Offences Act, Sections 9, 10 and 11 of Child Marriage Prevention Act and Sections 3(1)(w)(i)(ii), 3(2)(v-a), 3(2)(5) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, on the following conditions -

- (a) He shall not leave the place of his residence without intimation to the Police Station Officer, Mukundwadi Police Station, Aurangabad, till the conclusion of the trial.
 - (b) The applicant shall not meet the co-accused and victim and her relatives till the conclusion of the trial.
 - (c) The applicant shall attend the trial on each and every effective date.
- [iii] The Secretary, High Court Legal Services Sub-Committee, Aurangabad, do pay the fee to the learned counsel appointed for respondent no. 2/victim, as per the schedule.

[S. G. MEHARE]
JUDGE

sgp