

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.1261 OF 2023

RAHUL @ SONYA SANJAY SAUDAGAR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. B. G. Sagade
APP for Respondent No.1 : Mr. K. S. Patil
Advocate for Respondent No.2 : Mr. Mukul M. Deshmukh
...

CORAM : S. G. MEHARE, J.

DATE : 09-08-2023

PER COURT :-

1. Heard the learned counsel for the applicant, the learned A.P.P. for respondent No.1/State and the learned counsel for respondent No.2/victim.

2. The applicant seeks bail in C.R.No.140 of 2023 registered with Shillegaon Police Station, Taluka Gangapur, District Aurangabad, for the offences punishable under Sections 376(2)(I), 354, 354A, 452 and 342 of the Indian Penal Code and Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

3. The learned counsel for the applicant would submit that the applicant has been falsely implicated in the crime as there was previous enmity on account of drainage between two families.

There were no injuries on the private part of the victim. The applicant is a young boy and appeared for the selection on the post of Police Constable. There are no antecedents to his discredit. The chargesheet has been filed. Hence, he may be granted bail. He is ready to abide by the conditions imposed in the event of granting him bail.

4. The learned A.P.P. for the State and the learned counsel for the victim would submit that the applicant was eleven years old. At the time of the incident, she and her younger brother were in home. Her parents went to purchase foot wears for their business. The victim soon after the incident had immediately narrated the incident to her parents after their return from Aurangabad. Her hymen was broken. Its a case of fingering and peno sex. There was no dispute about drainage. The offence is serious. The girl of eleven years was alone at the house had been sexually assaulted. The applicant was twenty one and fully grown up. There are no reasons to disbelieve the victim. Hence, considering seriousness of the offence, he may not be granted bail.

5. The incident is really sad. A fully grownup boy took the disadvantage of the loneliness of a girl of eleven years old. She had immediately disclosed the incident to her parents on their return from Aurangabad. She is also consistent about the allegations against the applicant in her statement under Section

164 of the Code of Criminal Procedure. This case is an example of vulnerability of weaker section of the society. It seems that the applicant took disadvantage of the situation when her parents went to bring foot wears for their business. The defence of the applicant does not appear probable. The girl of eleven years has been sexually assaulted. She must be protected. The acts of the applicant were against the morality. The offence is serious. Hence, he does not deserve the bail.

6. For the above reasons, the application stands dismissed.

(S. G. MEHARE)
JUDGE

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