

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

7 BAIL APPLICATION NO.1421 OF 2023

RAJENDRA @ RAJ ARJUN GURDHADE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicant : Mr. Patil Ujwal Subhash.
APP for Respondents-State : Mr. S. P. Tiwari.
Advocate for Respondent No.3 : Mr. Ashok Mundhe -
(Appointed Through Legal Aid).
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CORAM : S. G. MEHARE, J.
DATE : 12.10.2023

PER COURT :-

1. Heard the learned counsel for the applicant, learned APP for the respondents-State and learned counsel appointed for the victim/respondent No.3.
2. The applicant seeks bail in Crime No.322 of 2023, registered with Shirdi Police Station, District Ahmednagar, for the offences punishable under Sections 366-A, 370, 366-B, 372, 373, 376 of the IPC, Sections 3, 4, 5, 7 and 8 of Immoral Traffic (Prevention) Act and Sections 4, 8 and 12 of the POCSO Act.
3. The victim was caught red handed at Shirdi. During the course of investigation, she made the allegations against the

present applicant that long back he did sex with her at Nashik. Hence, he has been arraigned as an accused.

4. Learned counsel for the applicant would submit that the victim never complained against the applicant. Therefore, there is a possibility of pressuring her to state against the applicant. The applicant was not caught red handed at Shirdi. There were no crimes to his discredit. He is languishing in jail since 18.05.2023. The investigation has been completed and nothing is to be recovered from him.

4. Learned APP and learned counsel appointed for the victim vehemently opposed the application. They argued that the victim is the resident of Bangladesh. She was minor. Many persons had sexually assaulted and forced her to indulge in the prostitution. The applicant had played an active role. The offence is serious. Hence, the applicant does not deserve bail.

5. The applicant was not caught red handed at Shirdi, where the raid was laid. However, the victim was also found on the alleged place of incident. In this crime, the victim made the allegations against the applicant. However, when the alleged incident happened with the victim at Nashik, no report was lodged. The facts reveals that she was travelling from Nashik to Shirdi at her own. That apart, there are no crimes to

the discredit of the applicant. The investigation has been completed. No purpose would be served keeping him behind bars. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **RAJENDRA @ RAJ ARJUN GURDHADE** be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of like amount, in Crime No.322 of 2023, registered with Shirdi Police Station, District Ahmednagar, for the offences punishable under Sections 366-A, 370 of the IPC, Sections 3, 4, 5, 7 and 8 of Immoral Traffic (Prevention) Act and Sections 4, 8 and 12 of the POCSO Act, on the following conditions :
 - (a) The applicant shall not tamper with the prosecution witnesses.
 - (b) He shall attend the trial on each and effective date.
- (iii) The Secretary, High Court Legal Services, Sub-Committee, Aurangabad do pay the legal fees to

advocate Mr. Mundhe appearing for respondent
No.3 as per the schedule.

(S. G. MEHARE, J.)

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vmk/-