

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

BAIL APPLICATION NO. 1509 OF 2023

Sanjay Satu Dharne
Age: 41 years, Occu: Agri.
R/o Aambale, Tal. Shirur, Dist. Pune

... Applicant

Versus

1. The State of Maharashtra
Through In-charge Police Inspector
Shrigonda Police Station,
Tal. Shrigonda, Dist. Ahmednagar

2. The Superintendent of Police
Ahmednagar

3. XYX

... Respondents

...

Mr. Jagtap Adinath B. and Mr. S. K. Patil, Advocate for the Applicant
Mr. K. S. Patil, APP for Respondent Nos.1 and 2
Mr. D. Y. Nandedkar, Advocate for Respondent No.3

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CORAM : S. G. CHAPALGAONKAR, J.

DATE : 14.09.2023

PER COURT :

1. Heard the learned Advocate for the applicant, learned APP for the respondent nos.1 and 2/State and the learned Advocate for respondent no.3.
2. By this application, the applicant seeks regular bail in connection with Crime No.562/2023 registered with Shrigonda Police Station, Dist. Ahmednagar for the offences punishable under

Sections 363, 366, 366(a), 376(2)(i)(n) and 212 of Indian Penal Code [for short 'IPC'] and under Section 3, 4 and 17 of the Protection of Children from Sexual Offence Act, 2012 [for short 'the Act']

3. The investigation was set in motion on the basis of an information given by father of the victim, wherein, he states that, his daughter aged about 15 years 10 months, who has passed 10th standard, was missing since 10/06/2023. On the basis of aforesaid information, crime registered for the offences punishable under Section 363 of IPC. The investigation is progressed. During the course of investigation, it is revealed that, the victim voluntarily left the house in company of accused no.-1 with intention to marry. She stayed at village Dhoksangawi at Pune along with accused no.1. Thereafter, she stayed at some other place as arranged by the applicant, who is an uncle of accused no.1. It is further alleged that, accused no.1 established sexual relations with the victim during her stay at the aforesaid locations. Accordingly, the offences punishable under Section 376(2)(i)(n) and 212 of IPC and Section 3, 4 and 17 of the Act were added. The applicant has been arrested on 27/07/2023. His plea for grant of bail has been rejected vide order dated 11/08/2023. Hence, the present bail application.
4. Learned Advocate appearing for the applicant would submit that the victim and accused no.1 had a love affair. The victim on her own volition, left the home and she was in the company of accused no.1. The allegations against the applicant are limited

that he arranged for the residence of accused no.1 along with victim. No other role is attributed against the applicant. He would therefore submit that the offences as alleged would not attract against the applicant. His further detention would not be necessary. Hence, he urge to grant bail to the applicant.

5. Per contra, Mr. Patil, learned APP and Mr. Nandedkar, learned Advocate appearing for the victim would strongly oppose the application. They would submit that although the applicant was knowing that the victim is a minor, he aided commission of offence. His active involvement can be seen from the narration in the remand report dated 06/08/2023. They would submit that the release of the applicant may hamper the further investigation. Hence, they urge to reject the application.
6. Having considered the submissions advanced, apparently, the FIR was lodged for the offences punishable under Section 363 of IPC since the victim girl could not be traced by the informant – father. It appears that, the statement of victim has been recorded during the course of investigation, wherein, she states that, she had voluntarily left the home with accused no.1 with intention to marry and she resided with him in a common room. The accused no.1 established sexual relations with the her during such stay. Apparently, the role attributed against the applicant is that he arranged for residence of the victim along with applicant. No further role is attributed against the applicant. Even from the statement of the informant, *prima facie*, it can be gathered that, it was a case of love affair. The victim is educated upto 10 standard and she understands worldly affairs. She voluntarily left

the home with intention to marry with accused no.1. In that view of the matter, only because the applicant has provided for the residence, it would be difficult to make out any offence against him as charged. The applicant is behind the bars from 27/07/2023. His further detention may not be necessary. Hence, the case is made for grant of bail.

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, namely, Sanjay Satu Dharne be released on bail in connection with Crime No.562/2023 registered with Shrigonda Police Station, Dist. Ahmednagar for the offences punishable under Sections 363, 366, 366(a), 376(2)(i)(n) and 212 of IPC and under Section 3, 4 and 17 of the Act on furnishing P.B. and S.B. of Rs.50,000/- (Rs. Fifty Thousand) on the following conditions:
 - a) The applicant shall not tamper with the prosecution evidence in any manner.
 - b) He shall visit the concerned Police Station once in a week i.e. on every Thursday between 10:00 am to 2:00 pm, till filing of charge-sheet.
 - c) He shall provide the details of his address and contact number with the police station.
 - d) He shall co-operate with the investigation.
- (iii) Bail Application is disposed of accordingly.

[S. G. CHAPALGAONKAR]
JUDGE