

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

925 BAIL APPLICATION NO. 1623 OF 2023

**RAGHUNATH SHEKHAR BHOSALE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...
Mr. Narayan B. Narwade, Advocate for Applicant
Mr. K.S. Patil, APP for Respondent State
Mr. A.T Kanwade advocate for respondent no.2.
...

**CORAM : S. G. CHAPALGAONKAR, J.
DATE : 19.10.2023**

PER COURT:

1. The applicant seeks regular bail in connection with Crime No.208 of 2023 registered with Police Station, Karjat District Ahmednagar for the offence punishable under Section 363, 212, 376(2)(j)(n) of the Indian Penal Code and U/Sec.3, 4, 5 & 6 of the Protection of Children from Sexual Offenses Act, 2012.

2. The investigation was set in motion on the basis of information given by mother of victim alleging that, on 16.04.2023 while her husband was out of home at his work place, her two daughters left home under the pretext that they are going towards maternal uncle Ramesh Bhosale for sewing clothes. Thereafter, Neha i.e. younger daughter came back to home for taking few other clothes. However, subsequently she informed that her sister/victim was missing. Therefore, report was lodged that some unknown person has kidnapped the victim. During course of investigation, on

06.06.2023 the police apprehended the applicant along with victim at Pune and she was brought to police station alongwith applicant/accused. Statement of victim is recorded on 06.06.2023 wherein she discloses that she had been to various places with the applicant. Initially, she stayed with him at Pune in Katraj area. Thereafter, victim travelled to Surat where she stayed for 15 days. Thereafter, victim along with applicant came back to Pune and resided there till arrival of police. Apparently, for more than one and half moth victim was traveling and stationed at various places with applicant.

3. In pursuance of aforesaid crime, the applicant has been arrested on 07.06.2023. Since then he is behind bar. After due investigation, charge-sheet is filed.

4. Mr. Narwade, learned Advocate appearing for applicant would submit that age of the victim is seventeen years and two months. She was taking education and passed 12th standard. She is aware about the worldly affairs. He submits that the applicant and victim had a love affair and victim on her own volition accompanied the applicant. However, subsequently, colour is given of offences as alleged. Mr. Narwade invite attention of this court to statement of the father of victim recorded on 18.4.2023 wherein it is stated that on 16.04.2023 applicant had called him and informed that he is taking the victim from village Berdi. Apparently, father of the victim was aware about the fact that she is in the company of the applicant. However, FIR has been lodged against unknown person. He would therefore submit that false case is made out against the applicant.

Hence, prayed for release of applicant on bail.

5. Learned APP as well as learned Advocate appearing for complainant strongly oppose bail application. They would submit that victim was minor aged about 17 years. Applicant kidnapped her and established forcible physical relationship. Learned APP invites attention of this court to medical examination report and submit that possibility of sexual intercourse cannot be ruled out. He would further point out that victim's statement is recorded under section 164 of the Cr.P.C., wherein she confirms the aforesaid facts which are consistent with her statement recorded under section 161 of Code of Criminal Procedure.

6. Having considered the submissions advanced, apparently on 16.04.2023 victim left her home on her own volition. She carried some clothes and baggage under the pretext that she is taking it for stitching. Thereafter, she sent back her sister under the pretext of getting some more clothes and then flee away. Victim was aged about seventeen years and two months at the time of incident and educated up to 12th standard. All these circumstances clearly demonstrate that victim had planned to flee away with the applicant with intention to marry him. Pertinently, the applicant had called father of the victim on same day and informed that he is taking his daughter with him. Thereafter, victim traveled to Pune, then to Surat and then came back to Pune and stayed for one and half month with applicant till police party apprehended her along with applicant. All these circumstances clearly demonstrate that no force is exerted by the applicant.

Although victim is a minor her conduct shows level of her understanding. Prima facie, consideration of facts on record depicts that contention raised on behalf of applicant that it is matter of love affair, cannot be ruled out. Applicant is behind bar for more than four months. Investigation in the matter is complete. Charge-sheet is also filed. Further detention of the applicant is no more required. Hence, case is made out for grant of bail, subject to certain conditions. Hence, the order.

ORDER

- i) Bail Application is allowed.
- ii) The applicant Raghunath Shekhar Bhosale be released on bail in connection with Crime No.208 of 2023 registered with Police Station Karjat, District Ahmednagar for the offences punishable under Sections 363, 212, 376(2)(j)(n) of the Indian Penal Code and U/Sec.3, 4, 5 & 6 of the Protection of Children from Sexual Offences Act, 2012 on his furnishing P.B. & S.B. of Rs.50,000/- (Rs. Fifty Thousand), on the following conditions :-
 - a) The applicant shall not tamper with prosecution evidence in any manner.
 - b) The applicant shall attend each and every effective date before Trial Court.
 - c) The applicant shall not establish contact with the victim or any witness named in the charge-sheet.

- d) The applicant shall not enter in village Bedi, Tq. Karjat, Dist. Ahmednagar and Bhigvan, Tq. Indapur till conclusion of trial.
- iii. Bail application is accordingly disposed off.

(S. G. CHAPALGAONKAR)
JUDGE

...

aaa/-