

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1593 OF 2023

BHUSHAN VITTHAL PAWAR

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. A. K. Bhosle

APP for Respondent No. 1: Mr. V. S. Badakh

Advocate for Respondent No. 2: Ms. A. S. Madake

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CORAM : R.M. JOSHI, J

DATE : NOVEMBER 09, 2023

PER COURT :

1. At the outset, learned Counsel for the Applicant seeks leave to place on record copy of the charge-sheet.

2. Leave granted. Charge-sheet is taken on record.

3. Applicant apprehends arrest in connection with with C.R. No. 523 of 2023 registered with Rahata Police Station, Dist. Ahmednagar for the offences punishable under Sections 370, 376(2)(m), 376(2)(n), 323, 504, 506 read with Section 34 of the Indian Penal Code and Sections 3, 3-A, 4, 5(j)(2)(1), 6, 9, 16 and 17 of the Protection of Children from Sexual Offences Act, 2012

(for short 'POCSO Act').

4. Informant/victim claims that she was forced to do prostitution by her maternal aunt. There are several allegations made in the FIR wherein name of the present Applicant is also recorded. He apprehends arrest due to the same.

5. Learned Counsel for the Applicant submits that perusal of the charge-sheet indicates that the victim is major and as such, the provisions of POCSO Act are not applicable to the present case. He further submitted that even if the statements in the FIR are accepted, no offence under Section 376 of IPC can be said to be made out against him.

6. Learned Counsel for the informant/victim states that she had personally visited to Shaskiya Mahila Sudhar Gruha, Pune and had a word with the informant in presence of her brother and Probation Officer. She candidly states that she does not know name of the Applicants and according to her, his name is included in FIR at the instance of her aunt.

7. Considering the affidavit filed by the victim and also having regard to the fact that the victim was major and the provisions of POCSO Act may not get attracted to the present case, it is a fit case for grant of anticipatory bail.

8. In view of above, application is allowed.
Hence, the order:

O R D E R

- (i) In the event of arrest of the Applicant in connection with with C.R. No. 523 of 2023 registered with Rahata Police Station, Dist. Ahmednagar for the offences punishable under Sections 370, 376(2)(m), 376(2)(n), 323, 504, 506 read with Section 34 of the Indian Penal Code and Sections 3, 3-A, 4, 5(j)(2)(l), 6, 9, 16 and 17 of the Protection of Children from Sexual Offences Act, 2012, he shall be released on bail on furnishing PR bond of Rs. 15,000 (Rupees Fifteen Thousand Only) with one surety in the like amount.
- (ii) He shall attend the concerned police station as and when required.
- (iii) He shall not contact the witnesses directly or indirectly.
- (iv) He shall not interfere with the evidence in any manner whatsoever.

(v) He is further directed to cooperate the
investigating agency for further
investigation.

(R. M. JOSHI, J.)

Malani