

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

BAIL APPLICATION NO.1958 OF 2022

GOVIND SHRICHAND CHAVAN
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Mohit R. Deshmukh
APP for Respondent No.1: Mr. S.P. Deshmukh
Advocate for Respondent No.2 : Mr. Rajendra N. Chavan

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CORAM : S.G. MEHARE, J.
DATE : JANUARY 25, 2023

PER COURT :

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

2. It is a case of one more example of the exceeding the jurisdiction by the Child Welfare Committee, Jalgaon. The Child Welfare Committee has no power to record the statement of the victim about the incident. Its job is only to see whether the care and protection is required to the victim or a juvenile. But oftenly it is seen that the Child Welfare Committee exceed its jurisdiction and record the statement of victim about the incident. The victim and her mother made allegations against the Child Welfare Committee that the Child Welfare Committee asked her crazy questions. Hence, under confusion

she stated before the Committee that she had physical relations with the applicant. She did not consent for medical examination, hence the medical examination was not done.

3. Perused the record. Her statement under Section 164 of the Code of Criminal Procedure was also recorded on 21.05.2022. The complete statements of victim witnesses were recorded as regards the incident. But it seems that the investigation officer was overzealous and again recorded her supplementary statement and brought a new story of black mailing and she does not want to marry the applicant. Such over-zealousness of the investigation officer many times destroy the prosecution case. *Prima facie* it appears that the investigation officer has no reason to record such type of supplementary statement, unless the circumstances demands. It seems that recording supplementary statement is a routine practice of the investigating officer in most of the cases and they make the prosecution case doubtful. The investigation officers are expected to know their jurisdiction and must study the circumstances in which the supplementary statement is essential. It is not a matter of course. The supplementary statement is also not allowed to fill up the lacuna, but it appears that investigation officers have misconceived the law. Be that as it may, the papers reveal that the victim at her own left her house

and stayed with the applicant who is her brother in relation. Her statement reveals that she had no complaint against the applicant. Her parents also do not appear to have serious grievances against the applicant. In view of that matter, the application deserves to be allowed.

ORDER

- (i) The application is allowed.
- (ii) The applicant Govind Shrichand Chavan be released on bail, on executing P.B. and S.B. of Rs. 50,000/-, with one solvent surety in the like amount, in C.R.No. 31 of 2022 registered at Police Station, Jamner, District Jalgaon, (Special Case No.154 of 2022 pending before Additional Sessions Judge/Special Court, Jalgaon), for the offences punishable under Sections 363 and 354 of the Indian Penal Code and Section 8 of Protection of Children From Sexual Offences Act, 2012.

**(S. G. MEHARE)
JUDGE**