



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

927 BAIL APPLICATION NO. 2074 OF 2023

**PANDHARI S/O PRABHAKAR PAGARE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...
Advocate for the applicant : Mr. S.S. Kulkarni and Mr. S.L.
Baswe

APP for respondent/State : Mr.A.S.Shinde

...

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 15.12.2023.

PER COURT :

1. The applicant seeks regular bail in connection with Crime No.348 of 2023 registered with Rajur police station, District Ahmednagar for the offences punishable under sections 354, 366-A of the Indian Penal Code and Section 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. Investigation was set in motion on the basis of the information given by the victim herself. It is alleged that the victim was suffering from illness, therefore, she was taken to main accused who was providing medicine. On 06.10.2023 the

main accused Rupesh @ Anil Bhdha Sonawane made mobile call to the victim and called her under the pretext of providing medicine. In the evening at about 7.00 p.m., accused Rupesh @ Anil arrived at home of the informant's grand-mother and took the informant in a forest area under pretext of giving medicine and there sexually molested her. Accordingly, offence came to be registered against the accused Rupesh @ Anil. The applicant has been arrested on the ground that he harboured the main accused and also threatened witnesses. The applicant has been arrested on 02.11.2023 and till then he is behind the bar.

3. The learned Advocate appearing for the applicant would submit that the applicant has been falsely implicated in this crime. No role is attributed against him in respect of main allegations which are confined towards accused No. 1. The allegations are sought to be made thereby implicating the accused/applicant under Section 212 of I.P.C. which is based on false statements.

4. The learned APP points out that the informant's mother and grand-mother gave statements that the applicant

has threatened them. Further investigation is in progress.

5. Having considered the submissions advanced, apparently the main role is attributed against accused namely Anil Budha Sonawane. The statements of witnesses recorded during the investigation simply suggest that the applicant was seen in the company of Anil @ Bandu. However, his specific role is not described to bring home complicity in the commission of offence. It is alleged that the applicant was aware about the commission of offence and he harboured accused No. 1. Prima-facie such allegations against the applicant could not be supported by acceptable material on record. After long delay accused Anil/Bandu is arrested. Applicant is arrested and he is behind the bar since long. Investigation is practically over. In that view of the matter the further detention of the applicant would not necessary. Hence the following order :

O R D E R

- i. Bail Application is hereby allowed.
- ii. The applicant – Pandhari Prabhakar Pagare be released on bail in connection with Crime No.348 of 2023 registered with Rajur police station, District Ahmednagar for the

offences punishable under sections 354, 366-A of the Indian Penal Code and Section 8 and 12 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 the prosecution evidence.
 - b] The applicant shall attend the concerned police station once in a week i.e. on every Friday in between 10.00 a.m. to 2.00 p.m. till filing of the charge sheet.
- iii. Bail application is accordingly disposed off.

(S.G. CHAPALGAONKAR)
JUDGE

mahajansb/