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

BAIL APPLICATION NO. 2209 OF 2023

RUSHIKESH KAILAS MOHAN

....Applicant

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

.....Respondent

.....
Advocate for Applicant : Mr. KOLI SUNIL P.
APP for Respondents: Mr. A.S. Shinde.
Advocate for respondent No.2 : Mr. Rajesh Mewara.

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 22nd DECEMBER, 2023

ORDER :-

1. The applicant seeks regular bail in connection with Crime No. 0014 of 2023 dated 19.1.2023 registered with Police Station Waluj, District Aurangabad for the offences punishable under Sections 363, 376(2) of the IPC and U/Sec. 4 and 8 of the POCSO Act.

2. The investigation has been set in motion on the basis of the information given by mother of the victim, who states that on 18.1.2023, she had been out of home for attending marriage. Her husband was on duty. Her minor daughter aged about 17 years was alone at home. Her son informed that the victim left home without intimating anything. Search was taken for her. However, the whereabouts of the victim could not be traced out. It is further stated that the applicant had acquaintance with them and suspicion was expressed that he could have induced the victim and kidnapped her. The applicant has been arrested in pursuance of the aforesaid crime while he was found in company of the victim. The victim refused to give her statement under section 164 of Cr.PC, so also, refused to undergo medical examination.

The applicant came to be arrested on 30.10.2023. His plea for

grant of regular bail has been turned down by the Additional Sessions Judge, Vijapur vide order dated 29.11.2023. Hence, this application.

3. The learned counsel for the applicant, so also for the informant, state before the court that at the time of registration of offence, the victim was minor, now she is major and she wants to continue her relationship with the applicant. The date of birth of the victim is 29.10.2005. Apparently, she has attained majority. The victim is personally present in the Court and gives a similar version.

3. In that view of the matter, further detention of the applicant is not necessary. Hence, a case is made out for grant of bail.

: O R D E R :

(I) The application is allowed.

(ii) Applicant – Rushikesh Kailas Mohan, be released on bail on furnishing P.B. and S.B. of Rs. 50,000/- (rupees fifty thousand) with one solvent surety of the like amount, connection with Crime No. 0014 of 2023 dated 19.1.2023 registered with Police Station Waluj, District Aurangabad for the offences punishable under Sections 363, 376(2) of the IPC and U/Sec. 4 and 8 of the POCSO Act. on the following conditions :-

(a) He shall not tamper with the prosecution witnesses.

(b) He shall attend the police station once in a week i.e. on every Monday, between 10.00 a.m. and 2.00 p.m. till filing of charge sheet.

(c) Since Mr. Rajesh Mewara, Advocate is appointed to represent the respondent No.2 through Legal Aid Committee, his remuneration be paid as per rules.

(iii) The application stands disposed of .

[S.G. CHAPALGAONKAR]
JUDGE

grt/-