

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.200 OF 2023
(Venutai Punjabrao Bhise Vs. State of Maharashtra and anr.)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri V.B. Bhise, Advocate for the applicant.
Shri M.J. Khan, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- JUNE 15, 2023.

Heard.

2. Present application is filed by the applicant for grant of anticipatory bail in the event of his arrest in respect of Crime No.50/2023 registered at police station Pimpalgaon Raja, District Buldhana for the offence punishable under Sections 354, 354-A, 354-D, 452, 364, 366, 368 and 506 of the Indian Penal Code read with Sections 8, 12 and 17 of the Protection of Children from Sexual Offences Act, 2012.

3. The crime is registered on the basis of report lodged by the mother of the victim on an allegation that on 19/02/2023 her daughter had been to the agricultural field and not returned back. As the mother of the victim girl has not found her daughter at the house she approached to the police station and lodged missing report. During investigation, the victim girl was found and her statement was recorded. As per the allegation of the victim, on 19/02/2023 when she was alone in the

house present applicant promised the victim that he will perform marriage with her and took her along with him by pressurizing her. As per the statement of the victim only allegation against the present applicant is that when co-accused kept her in one tin shed present applicant was providing tiffin to them and she was keeping watch on them. On the basis of this statement the crime is registered against the present applicant.

4. As per the contention of the present applicant that she is not at all concerned with the alleged offence merely because she is the relative of the co-accused she is implicated in the alleged offence. Considering the allegation against her, her custodial interrogation is not required as nothing is to be recovered from her as well as her custodial interrogation is also not required.

5. Said application is strongly opposed by the State on the ground that the present applicant was keeping watch on the victim when she was kept by the co-accused in a tin shed. Thus, present applicant has played a prime role in the commission of the crime and her custodial interrogation is required. Hence, requested for rejection of the application.

6. Heard learned Counsel for the applicant. He reiterated the contention and submitted that even taking the allegation as it is the custodial interrogation of the present applicant is not required and hence she be released on anticipatory bail.

7. Learned Additional Public Prosecutor reiterated the contention and objected the application.

8. Heard both the sides and perused the investigation papers. Now investigation is already completed and the charge-sheet is filed. As per the statement of the victim girl only allegation against the present applicant is that when she was kept by the co-accused in a one tin shed, present applicant was providing tiffin for them. Thus, taking the allegation as it is her custodial interrogation is not at all required. Now, investigation is already completed and the charge-sheet is filed. Therefore, the interim protection granted to the present applicant deserves to be confirmed. Accordingly, I proceed to pass the following order :

(i) The application is allowed.

(ii) The applicant - Venutai Punjabrao Bhise in the event of arrest in Crime No.50/2023 registered at police station Pimpalgaon Raja, District Buldhana for the offence punishable under Sections 354, 354-A, 354-D, 452, 364, 366, 368 and 506 of the Indian Penal Code read with Sections 8, 12 and 17 of the Protection of Children from Sexual Offences Act, 2012, be released on bail on executing PR. Bond in the sum of 25,000/- (Rs. Twenty five thousand) with one solvent surety in the like amount.

(iii) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case and shall not tamper the prosecution evidence.

(URMILA JOSHI-PHALKE, J.)

**Divya*