



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

Criminal Application [BA] No.581 of 2023

Suresh s/o Govind Bhone & another

vs.

State of Maharashtra, through its P.S.O., P.S. Dongaon, Tq. Mehkar, Dist. Buldhana and another

*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

Court's or Judge's Orders

*Mr. M.V. Amale, Advocate for the Applicants.
Mr. M.J. Khan, A.P.P. for Non-Applicant No.1/State.
Mrs. Kirti Deshpande, Advocate for Non-Applicant No.2.*

CORAM : **M.W. CHANDWANI, J.**
DATE : **24th AUGUST, 2023.**

Heard the learned Counsel for the applicant, the learned A.P.P. for the State and the learned Counsel for non-applicant No.2.

02] The applicants have filed this application seeking relief of regular bail under Section 439 of the Code of Criminal Procedure.

03] The applicants have been arrested for the offence punishable under Sections 363, 366-A, 376, 376(2)(j)(n)(l) of the Indian Penal Code read with Sections 4, 6, 8 and 12 of the Protection of Children From Sexual Offences Act and further read with Section 92(d) of the Rights of Persons with Disabilities Act.

04] The allegations against applicant No.1 are that he committed penetrative sexual assault on a visually impaired minor girl, who happens to be a friend of his daughter and the allegations against applicant No.2, who is the wife of applicant No.1, are that the sexual intercourse with her consent and in her presence was done with a minor girl/victim. She also abetted for alleged acts of intercourse.

05] It is further alleged that both the applicants compelled the victim to marry with applicant No.1 and kidnapped her.

06] I have gone through the case diary. Perusal of the case diary shows that there is a *prima facie* case against applicant No.1, who has committed sexual intercourse on multiple times with the victim, who is a minor and visually impaired to the extent of 80%. There is also material to show that the applicants enticed the victim girl to marry with applicant No.1 and even the victim was kidnapped by them. However, later on, the victim was left at Dongaon Bus Stand, where from she was rescued. Applicant No.1 is a married person and has committed the alleged act on the victim, who is the friend of his daughter. The allegations against applicant No.1 are serious and heinous and the victim girl is a disabled person. Considering the nature of allegations levelled against applicant No.1, no case is made out for grant of bail.

07] As far as applicant No.2 is concerned, it appears that main allegation of penetrative sexual assault is levelled against applicant No.1 and the allegations against applicant No.2 are of enticing a minor girl to have sexual intercourse and to marry with applicant No.1. Applicant No.2 is a lady. Considering the nature of allegation against applicant No.2 and the period of her detention in jail, the discretion of bail can be exercised in her favour. Hence, the following order :

- i. The application of applicant No.1-Suresh Govind Bhone for grant of bail is rejected.
- ii. Applicant No.2-Sou. Sumitra w/o Suresh Bhone be released on bail in Crime No.86 registered with Police Station Dongaon, Tahsil Mehkar, District Buldhana, on her furnishing a P.R. Bond in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one or two solvent sureties in the like amount before the trial Court on the following conditions:

- (a) Applicant No.2 shall make herself available for interrogation by the Police Officer as and when required.
 - (b) She shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any Police Officer.
 - (c) She shall not leave India without the previous permission of the Court.
- iii. The Secretary, High Court Legal Services Sub-Committee, Nagpur to quantify and release the professional fees of the learned Counsel appearing on behalf non-applicant No.2, as per rules.
- iv. The application is disposed of in the aforestated terms.

JUDGE