



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
BAIL APPLICATION NO. 27 OF 2024**

Chal Krushnaji Ranawre,
Age 27 years, Occ.: Labour,
R/o. Taklibhan, Tal- Shrirampur,
Dist. Ahmednagar.

..Applicant

Versus

1. The State of Maharashtra,
(Through Shrirampur Taluka
Police Station, Shrirampur.)
2. X.Y.Z.

..Respondents

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Mr. Shriraj R. Wakale, Advocate for Applicant.
Mr. S. K. Shirse, APP for Respondent No.1.
Mr. Akash D. Gade, Advocate for Respondent No.2.

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CORAM : S. G. CHAPALGAONKAR, J.

RESERVED ON :- 21st FEBRUARY 2024.

PRONOUNCED ON :- 26th FEBRUARY 2024.

ORDER:-

1. The applicant seeks regular bail in connection with Crime No.305 of 2023 registered with Shrirampur Taluka Police Station, District Ahmednagar for the offenses punishable under Sections 363, 376(2)(j), 376(3), 504 of the Indian Penal Code and Sections 4(2) and 8 of the Protection of Children from Sexual Offenses, 2012 (for short 'POCSO Act, 2012').

2. The investigation has been set in motion on the basis of information given by father of the victim, who alleges that on 16.06.2023 his minor daughter, aged about 15 years left for the school at about 10.30 am. However, did not return home till 05.30 pm. Upon search by the informant and other family members, it was revealed that minor victim was kidnapped by unknown person. Accordingly, the offence under Section 363 of the Indian Penal Code was registered. Thereafter, on 20.06.2023 victim was traced out. Her statement was

recorded by the police, wherein she disclosed that applicant/accused, who happens to be neighbour had lured victim, took her to the lodge and established physical relations under the threat. Then, brought back to Shrirampur where her statement was recorded disclosing aforesaid facts. Accordingly, offences under Section 376(2)(j), 376(3), 504 of the Indian Penal Code and Sections 4(2) and 8 of the POCSO Act, 2012 have been added. The applicant came to be arrested in pursuance of the aforesaid crime on 22.06.2023. Since then, he is behind the bar. After completion of investigation, charge-sheet has been filed.

3. Mr. Wakale, learned Advocate appearing for the applicant submits that the applicant is innocent person and has been falsely implicated in the aforesaid crime. By inviting attention of this Court to the medical examination report of the victim, he submits that no external injuries were found on the person of the victim. The possibility of false implication cannot be ruled out. He would further point out that the victim had volunteered herself in the company of the applicant. They had affinity with each other. They were constantly interacting through mobile communication and messages. He would, therefore, submits that further detention of the applicant would not be necessary. Applicant is behind the bar for last 8 months and trial is likely to take its own course.

4. Mr. Shirse, learned APP appearing for respondent no.1 and Mr. Gade, learned Advocate appearing for respondent no.2 vehemently opposed the bail application. They would submit that the applicant is a married man, aged about 27 years, having daughter and son, whereas victim was hardly 14 years and 9 months of age. The applicant lured the victim and kidnapped her. Similarly, he established physical relations with her during the stay of four days. As such, offence is serious and the release of the applicant is not warranted.

5. Having considered the submissions advanced, apparently the age of the victim is 14 years 9 months. She is child within the meaning of POCSO Act, 2012. The applicant is a married person aged about 27 years having wife and children. He lured the minor victim and kidnapped her. Even he established forcible physical relations with her. The statement of the victim is recorded during the course of investigation. She has categorically stated about forcible sexual act at the hands of the applicant. Although medical examination report do not suggest use of force, that itself is not sufficient to consider the case of the applicant for grant of bail. In fact, the medical examination report supports case of prosecution. Considering the age of the victim, so also age of the applicant/accused and material on record, *prima facie*, suggests the commission of serious offence under POCSO Act, 2012 read with penal provisions of the Indian Penal Code for which severe punishment is provided. The release of the applicant may have adverse repercussions in conduct of fair trial.

6. In that view of the matter, no case is made out for grant of bail. Hence, application stands rejected.

(S. G. CHAPALGAONKAR)
JUDGE