



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

948 ANTICIPATORY BAIL APPLICATION NO. 438 OF 2024

Umesh Eknath Landage

VERSUS

The State of Maharashtra and others

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Advocate for Applicant : Mr. Avinash R. Borulkar

APP for Respondent Nos. 1 and 2: Mr. C.V. Bhadane

Advocate for Respondent No.3 : Mr. V.H. Pathade

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CORAM : SHIVKUMAR DIGE, J.

DATED : 10th JULY, 2024.

PER COURT :-

1. The applicant apprehends arrest in connection with crime Crime No. 13 of 2024, registered with Shilegaon Police Station, Dist. Aurangabad, for offences punishable under sections 363, 366-A, 376, 376(2)(n), 376(3), 109 r/w 34 of Indian Penal Code and under sections 4, 8, 12 and 17 of Protection of Children From Sexual Offences Act.

2. It is the prosecution's case that accused No.1 kidnapped the victim from her school and sexually assaulted her. The allegations against the applicant are that he provided room to accused No.1 and victim to stay.

3. It is the contention of the learned counsel for the applicant that

the applicant has been falsely implicated in this case. No documents produced on record to show that the room where the victim and accused No.1 were staying is belonging to the applicant. Learned counsel further submitted that the applicant's name is mentioned in the F.I.R. only on hearsay basis. Investigation is completed and charge sheet has been filed. Accused No.1 has been released on bail. No custodial interrogation of the applicant is required. Hence he requested to allow the application.

4. It is the contention of the learned APP and the learned counsel for respondent No.3 that the applicant had provided accommodation to accused No.1 in spite of knowing that the victim was minor. There is prima facie case against the applicant. The custodial interrogation is required. Hence he requested to reject the application.

5. I have heard all the learned counsel. Perused the F.I.R. and the police papers produced on record. The allegations against the applicant are that he provided accommodation to the victim and accused No.1. No statements of any witnesses are recorded to show that the accommodation, where the victim and accused No.1 have stayed, was belonging to the applicant. Moreover, investigation is completed and charge sheet has been filed. Considering the allegations against the applicant, his custodial interrogation is not

required. Hence I pass the following order :-

ORDER

- (i) The application is allowed.

- (ii) The interim anticipatory bail granted to the applicant vide order dated 13.03.2024 stands confirmed on the same terms and conditions.

(SHIVKUMAR DIGE, J.)

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