



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

934 ANTICIPATORY BAIL APPLICATION NO. 434 OF 2024

GANESH AMABADAS SHINDE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicant : Mr. Ravindra Vitthal Gore.
APP for Respondent/State : Mr. C. V. Bhadane.
Advocate for Respondent No.3 : Mr. V. H. Pathade.

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CORAM : **SHIVKUMAR DIGE, J.**

DATE : 11th June, 2024.

P.C.:

. The applicant is apprehending arrest in Crime No.13 of 2024, registered with Shillegaon Police Station, District Aurangabad, for the offences punishable under Sections 376, 376(2)(n), 376(3), 366A, 363 and 109 read with Section 34 of the Indian Penal Code and under Sections 4, 8, 12 and 17 of the POCSO Act.

2 On 17th January, 2024, initially the FIR was lodged under Section 363 of the Indian Penal Code by the father of victim. During the course of investigation, the victim was traced on 7th February, 2024. When her statement was recorded, she has stated that at the instigation of accused No.1 Yogesh, she eloped with him for performing marriage with him. She further stated that she told accused No.1 that she has not completed the age of 18 years and

refused to accompany with him. Accused No.1 insisted her to come with him. On 17th January, 2024, accused No.1 Yogesh followed the victim at her school on his motorcycle and took the victim with him. When they reached at Kadaknarla Phata, co-accused Vikas Aher and Arjun Aher were ready with a car. Accused No.1 Yogesh took the victim in the said car. Accused No.1 took the victim to Partur, District Jalna. One of the friend of accused No.1 arranged a room there for them. In the said room, accused No.1 committed physical relationship with the victim. The said room was arranged by accused No.4 Umesh.

3 The allegations against the applicant are that the car, in which accused No.1 Yogesh carried victim girl to Partur, was belonging to the applicant.

4 It is the contention of the learned counsel for applicant that no name of applicant is mentioned in the FIR. In the statement of victim, she has not taken the name of the applicant. The allegations against the applicant are that the victim and accused No.1 travelled in the car of applicant. The police have seized the said car. The applicant has no role in the said crime, as he gave his car on rent. He was not aware about the relationship between the victim and accused No.1. No custodial interrogation of the applicant is required. Charge-sheet has been filed. Hence, it is requested to allow the application.

5 It is the contention of the learned APP and the learned
counsel for respondent No.3 that the victim and accused No.1 eloped
in the car of applicant. There is *prima-facie* case against the
applicant. The custodial interrogation of the applicant is required.
Hence, it is requested to reject the application.

6 I have heard all the learned counsel.

7 In the statement of the victim, she has stated the name of
co-accused, but she has not taken the name of applicant. Allegations
against the applicant are that the applicant took the victim and accused
No.1 in his car and he took them to Partur, District Jalna from
Kadaknarla Phata. The car of the applicant is seized by the police.
Investigation is completed. Charge-sheet has been filed. Custodial
interrogation of the applicant is not required. Hence, I pass the
following order:-

ORDER

- I. The application is allowed.
- II. In the event of arrest of the applicant in connection with Crime
No.13 of 2024, registered with Shillegaon Police Station, District
Aurangabad, for the offences punishable under Sections 376,
376(2)(n), 376(3), 366-A, 363 and 109 read with 34 of the Indian
Penal Code and under Sections 4, 8, 12 and 17 of the POCSO

Act, he be released on bail on furnishing personal bond of Rs.15,000/- with surety of the like amount on following conditions:-

- a) The applicant shall attend the concerned police station as and when required by the Investigating Officer.
- b) The applicant shall not indulge in similar activities again.
- c) The applicant shall not pressurize the prosecution witnesses, in any manner.

[SHIVKUMAR DIGE, J.]

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