



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

14 ANTICIPATORY BAIL APPLICATION NO. 454 OF 2024

SAHEBRAO S/O MAROTI SONKAMBLE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Deshpande G. L. (Through V. C.)

APP for Respondent-State : Mr. S. P. Sonpawale.

Advocate for Respondent No.2 : Mr. Pathan T. W.

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CORAM : S. G. MEHARE, J.

DATE : 23.09.2024

PER COURT :-

1. Heard the learned counsel for the applicant, learned APP for the respondent-State and learned counsel for respondent No.2/victim.

2. The applicant seeks pre-arrest bail in Crime No.100 of 2022, registered with Bhokar Police Station, District Nanded, for the offences punishable under Sections 376(1), 363 read with Section 34 of the IPC and Sections 4 and 8 of the POCSO Act.

3. The applicant is the uncle of accused No.1. In the statement of the victim under Section 161 of the Cr.PC., it was alleged that when she was forcefully taken, the applicant was

present there. However, the applicant has a case that at the relevant time he was not there. He was serving in Mumbai. However, only to make the offence serious, false allegations have been levelled against him. Her statement under Section 164 of the Cr.P.C. also makes the same allegations.

4. Learned counsel for the applicant submits that considering the allegations levelled against the applicant, his custodial interrogation is not essential. He is ready to co-operate with the investigation. He did nothing in the crime. However, to pressurize accused No.1, he has been wrongly arraigned as an accused.

5. Learned APP and learned counsel for the victim submit that the applicant has the consent for committing the crime. When his nephew took the victim forcefully with him, he was present there. The offence is serious. The interrogation is required to know whether he was involved in a similar crime.

6. Perused the papers. The role attributed to the applicant is not active and whether he was present there as alleged on the place where from victim was forcefully taken is a matter of fact. No weapon is to be recovered. The applicant has roots in the village. Therefore, the application deserves to be allowed. Hence, the following order :

ORDER

- (i) The application is allowed.
- (ii) The order granting interim anticipatory bail dated 21.03.2024 stands confirmed on the same terms and conditions.

(S. G. MEHARE, J.)

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vmk/-