

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1125 OF 2024

Rushikesh Bhimrao @ Pimrao Walunjkar

VERSUS

The State Of Maharashtra And Another

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Advocate for Applicant : Mr. Maniyar Irfan D

APP for Respondent/State : Ms. Vaishali S. Choudhari

Advocate for Respondent No.2 : Ms. Zainab M. Surti (Appointed
through Legal Aid)

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CORAM : S.G. MEHARE, J.

DATED : AUGUST 23, 2024

PER COURT:-

1. Heard learned counsel for the applicant, learned APP for the State and learned counsel for the victim.
2. The applicant seeks bail in Crime No.53 of 2024 registered with Kharda Police Station, District Ahmednagar for the offences punishable under Sections 376(2)(n), 107, 109, 506 of the Indian Penal Code, Sections 4, 6 and 17 of the Protection of Children from Sexual Offences Act and Sections 128(1) and 194(C) of the Motor Vehicles Act.
3. It is a story of the forceful sex by the applicant three times with a girl who was 13 years, 7 months and 15 days old. The report was lodged on 11.03.2024. The evidence collected by the prosecution reveals that it was the first time when the victim was

caught and put the grievance against the applicant. In her statement, she has narrated that before the last incident, the applicant took her at different places. Her statement also reveals that she was skipping the school classes and going with the applicant and reaching the school late. She never complained till her parents asked her what happened. On the day of the incident as per her statement, she called the applicant because she knew that nobody was in her house. On the day of the incident, her mother and brother went to the temple and her father went to the field. If really she was threatened, she had no reason to call the applicant on the day of last incident. On the contrary, her conduct reveals that she was taking the benefit of having nobody in her house. Hence, she probably might have called the applicant voluntarily. In such cases, normally as experienced, when the parents learnt about the affair of the girls, they start narrating against the boy.

4. Be that as it may, her statement is sufficient to conclude that she was well able to understand the consequences of the act she was doing. Nothing is to be recovered from the applicant. However, to protect her interest, certain conditions may be imposed. Hence, the following order :

ORDER

- (i) Bail Application is allowed.

(3)

(ii) Applicant, Rushikesh Bhimrao @ Pimrao Walunjkar, be released on bail on furnishing PB. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of the like amount in the above crime, on the conditions that;

(a) The applicant should not tamper with the prosecution witnesses and should attend the trial on each and every date.

(b) The applicant should not enter Village Javalke, Taluka Jamkhed, District Ahmednagar for three months from the date of his release.

(c) The applicant should not contact the victim or her relatives till the trial is concluded.

(iii) The Secretary, High Court Legal Services Sub-Committee, Aurangabad is directed to pay the fees of appointed counsel for respondent no.2/victim as per schedule.

(S.G. MEHARE, J.)