



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

981 BAIL APPLICATION NO. 2007 OF 2024

JANARDHAN BHAURAO SHEJUL

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Gorde Sandeep Baburao

APP for Respondent/State: Mr. S. K. Shirse

Advocate for Respondent No.2 : Mr. C. V. Bodkhe (*Appointed*)

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CORAM : ARUN R. PEDNEKER, J.

DATE : 05th DECEMBER, 2024

PER COURT:

1] Heard learned counsel for the applicant and the learned APP for the respondent-State.

2] The applicant is seeking bail as he was arrested on 24.07.2024 in connection with Crime No.104/2024, registered with Bori Police Station, District Parbhani, for the offences punishable under Sections 363, 376, 376(2)(n), 376(3) of IPC and under Sections 4, 6, 8 of POCSO Act.

3] Relevant for our purpose are 3 statements of the prosecutrix recorded on 15.07.2024, thereafter on 18.07.2024 and, thereafter, on 20.07.2024.

Perusal of the statement dated 15.07.2024, wherein name of the applicant is not mentioned. However, it is mentioned that the applicant stayed with Gajanan, boyfriend of the prosecutrix in the hotel Tatya owned by Ankush Bhadge. Thereafter, in her statement

recorded under Section 164 recorded on 18.07.2024 she has stated that a man named Tatya had raped her on 22.06.2024 and 06.07.2024 and had also threaten her in the event she mentions this fact to any person that he would kill Gajanan her boyfriend. It is also stated that on 22.06.2024. Tatya had given one bottle of acid and had given phone number and also mentioned to her that whenever he calls she has to visit him. It is stated that on 24.06.2024 she mentioned this fact to her boyfriend Gajanan. Thereafter, Gajanan broke the phone and sim-card and, thereafter, took her to Mumbai. In Mumbai they moved around the railway station for 2 to 3 days and, thereafter, they went to Turbhe at Gajanan's brother's place. It is also stated that when they were in Gajanan's brother's place at Turbhe, Tatya and 2 other persons came there. Tatya met her and he gave number to her and told her that whenever he calls her she has to come there. It is further stated that the police had caught her at Turbhe.

Thereafter another supplementary statement was recorded at Police Station on 20.07.2024 in which for the first time she mentions the name Janardhan Shejule @ Tatya the present applicant. She has reproduced the earlier statement but the name of Janardhan Shejule @ Tatya is mentioned the first time on 20.07.2024.

4] The learned counsel appearing for the prosecutrix with the learned APP pointed out arrest panchanama, wherein the name of the applicant is mentioned as Janardhan Bhaurao Shejul @ Tatya, as such, he submits that the name of the applicant is Janardhan Shejul @ Tatya and the address of the applicant is shown as Astgaon, which is about 12 Kms away from Hotel Tatya.

5] The applicant has given different statements on 3 different dates. Considering the fact that the applicant is residing at a place about 12 Kms away from Tatya Hotel where alleged rape took place and that the applicant is aged between 70 to 75 years and considering the fact that after the victim had left to Mumbai, on 24.06.2024, it is not known how the applicant / Tatya could have been at her place at Turbhe, as there is no information provided to Tatya as regards her stay at Turbhe, raises some doubts on the case of the prosecutrix. It is also to be noted that Hotel 'Tatya' is owned by Mr. Ankush Bhadge and not by the applicant. The applicant has no connection with Hotel 'Tatya'.

6] In view of the above, the application is allowed in the following terms :

a] The applicant shall be released on bail in connection with Crime No.104/2024, registered with Bori Police Station, District Parbhani, for the offences punishable under Sections 363, 376, 376(2)(n), 376(3) of IPC and under Sections 4, 6, 8 of POCSO Act, on furnishing PR bond of Rs.15,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

b] The applicant, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.

c] The applicant shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court.

d] The applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses and other persons concerned with the case.

e] The applicant, upon being released on bail, shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.

7] Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled.

8] It is also clarified that the observations made in this order are limited to the disposal of the present bail application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

9] Mr. C. V. Bodkhe, learned counsel appointed by this court to represent the cause of respondent no.2 has ably assisted this court. His fees shall be paid as Rs.10,000/-.

10] The application stands disposed of.

[ARUN R. PEDNEKER, J.]

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