



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO. 206 OF 2024

Om Prabhudas Solanke V/s State of Maharashtra and another.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. P.V. Navlani, counsel for applicant.

Mrs. R.V. Sharma, APP for State.

Mr. V.M. Vishwarupe, counsel for non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 05/04/2024.

1. The applicant came to be arrested on 07/01/2024 in connection with Crime No. 03/2024 registered with Police Station City Kotwali, Tah. and District Amravati for the offence punishable under Sections 363, 366, 376(3), 354 read with Section 34 of the Indian Penal Code, 1860 and Sections 4, 6 and 8 of the Protection of Children from Sexual Offences Act, 2012 (for short 'the Act of 2012')

2. The accusation against the present applicant is on the basis of report lodged by the father of the victim girl, on an allegation that his daughter aged about 13 years has left the house to attend the function in the school and not returned back. Subsequently, he came to know that she was kidnapped by one Akash Chawhan and the present applicant has assisted the said co-accused in kidnapping the victim. On the basis of said report, the police have registered the crime.

3. Learned counsel Mr. P.V. Navlani for the applicant submitted that as far as the present applicant is concerned, the only role attributed to him is that he dropped the victim and the co-accused at the Bus Stop. Thus, at the most the offence made out against him as an abettor under Section 17 of the Act of 2012. Now, the investigation is completed and charge-sheet is filed, further incarceration of the present applicant is not required.

4. Learned APP strongly opposed the said application, considering the submission made by the learned APP that, the victim is only 13 years of age was subjected for sexual assault by the co-accused and the present applicant had assisted him. In view of that, the application deserves to be rejected.

5. Learned counsel for the non-applicant No.2 endorsed the same contention and prays for rejection of the application.

6. Having heard learned counsel for the applicant, learned APP for the State and learned counsel for non-applicant No.2, perused the investigation papers and the role attributed to the present applicant. Now, the investigation is already completed. Considering the role of the applicant that he is not the person, who has sexually assaulted the victim girl but, the only allegation attributed against him that he dropped the victim girl and the co-accused at Bus Stop. So, at the most, the case against the present applicant is that he is an abator. Considering that the investigation is completed, further incarceration of the present applicant is not required.

Therefore, the application deserves to be allowed. Hence, I proceed to pass the following order:

ORDER

- a) The criminal application is allowed.
- b) In connection with Crime No. 03/2024 registered with Police Station City Kotwali, Tah. and District Amravati for the offence punishable under Sections 363, 366, 376(3), 354 read with Section 34 of the Indian Penal Code, 1860 and Sections 4, 6 and 8 of the Protection of Children from Sexual Offences Act, 2012, the applicant– Om Prabhudas Solanke, shall be released on bail, on executing PR.Bond of Rs. 25,000/- with one solvent surety in the like amount.
- c) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]