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

CRIMINAL APPLICATION (BA) NO.903 OF 2024
(Vilas Eknath Sapate Vs. State of Maharashtra and anr.)

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

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Mr. B.K. Suchak, Advocate a/w Mr. V.D. Ruparelia, Advocate for the applicant.
Mr. S.V. Narale, APP for the State.
Mr. S.B. Taywade, Advocate (appointed) for respondent No.2.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- NOVEMBER 14, 2024

By this application, the applicant is seeking bail as he came to be arrested on 19/06/2024 in connection with Crime No.232/2024 registered with Police Station Deulgaon Raja, District Buldhana for the offence punishable under Sections 363, 366, 376(i) and 506 of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned Counsel for the applicant submitted that as per the allegation the victim got missing on 11/06/2024, therefore, father of the victim has lodged missing report and during investigation it revealed that the victim eloped along with the co-accused. As far as the present applicant is concerned against whom the allegation of abetment is levelled as he has assisted the co-accused by providing the shelter and by arranging the money for him. He submitted that now the investigation is already completed and charge-sheet is filed. As far as the

further custodial interrogation is concerned which is not required. There is no allegation of sexual assault by the present applicant on a minor girl. In view of that, he be released on bail.

3. Learned APP and learned Counsel for the victim strongly opposed the said application on the ground that the consent of the victim is not relevant. Moreover, the present applicant's role that he has provided the shelter to the victim and the other co-accused wherein the alleged incident of sexual assault has taken place. He has also arranged money for their survival. In view of that, the application deserves to be rejected.

4. I have heard learned Counsel for both the parties. Perused the investigation papers from which it reveals that the limited role attributed to the present applicant is to the extent of the abetment. Considering now the investigation is completed, charge-sheet is filed, further incarceration of the present applicant is not required. Hence, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

(i) The application is allowed.

(ii) The applicant - Vilas Eknath Sapate in connection with Crime No.232/2024 registered with Police Station Deulgaon Raja, District Buldhana for the offence punishable under Sections 363, 366, 376(i) and 506 of

the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012, be released on bail on executing P.R. bond of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case either personally or by way of electronic media or any other manner.

(iv) The applicant shall not enter into the vicinity of village Mevhana Raja, Taluka Deulgaon Raja, District Buldhana till culmination of the trial.

5. The application is disposed of.

6. The fees of the appointed Counsel be quantified as per rules.

(URMILA JOSHI-PHALKE, J.)

*Divya