



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.1617 OF 2024

Anil @ Dada Raju Gadhari
Age 31 years, Occu.: Labour,
R/o. Arvi, Tq. and Dist. Dhule.

... Applicant

Versus

1. The State of Maharashtra
2. X.Y.Z.

... Respondents

.....
Mr. Chaitanya C. Deshpande, Advocate for Applicant
Mr. V.M. Chate, APP for Respondent No.1 – State
Mr. Sanket A. Kulkarni, Advocate for Respondent No.2
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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 03 JANUARY 2025

PRONOUNCED ON : 07 JANUARY 2025

ORDER :

1. This regular bail application is filed on account of registration of Crime No.0396/2024 registered at Dhule Taluka Police Station, District Dhule for offences under Sections 376(2)(n), 376(3)(m), 504, 506 of the Indian Penal Code (IPC) and under sections 4, 5(j)(2), 5(k), 5(l) and 6 of the Protection of Children from Sexual Offences (POCSO) Act, 2012.
2. Learned Counsel for applicant submitted that there are allegations of above offences and applicant is arrested in June 2024. That applicant

and victim are neighbours. Now, entire investigation is over. That, D.N.A. report excludes present applicant. That nothing is to be recovered from applicant. That charge-sheet is filed in July 2024, and therefore, there is no immediate chance of commencement of trial or its conclusion. That applicant is behind bars since long, and hence prayers for grant of bail are pressed into service.

3. Learned APP opposed prayers on the ground that serious offence is committed by the applicant. That, victim is barely 15 years of age. That, applicant is a married person, and though he is neighbour, he is likely to misuse the liberty, and hence, relief as prayed is opposed.

4. Heard both the sides. After considering the submissions advanced and on going through the papers, more particularly, FIR dated 02.06.2024 registered at the instance of victim, who seems to be around 15 years, 10 months and some odd days old, it is emerging that she has reported that, in the first week of January 2024 in the afternoon, when her parents had been to the field and she being alone at home, present applicant insisted her to maintain physical relations. She had further reported that, applicant had forcibly made intercourse with her and even offered money to her, but she refused. Out of fear, she did not report the above incident to her parents. She further reported that, after threatening her 7-8 times, accused had sexual intercourse with her. Finally, on

account of pain in stomach, while she was taken to the hospital, her pregnancy was revealed, and hence, on her above statement, crime was registered at Dhule Taluka Police Station for above offences.

5. On going through the charge-sheet, apparently it appears that victim was barely 15 years and some months old at the time of incident i.e. in January 2024. Specific allegation is of repeatedly being called and physical intimacy being maintained.

6. Learned Counsel for applicant strongly put forth that D.N.A. report excludes the involvement of the present applicant, however, apparently crime is registered for serious offences and also under provisions of POCSO Act. There are clear allegations of repeated physical intimacy by threatening victim, who is apparently a minor. Therefore, mere negative scientific report is not a good ground to extend relief of bail when victim and applicant are each others neighbour.

7. Considering the nature of allegations, this is not a fit case to grant relief of bail. Hence, the following order.

ORDER

(i) Application is rejected.

**ABHAY S. WAGHWASE,
JUDGE**