



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.2109 OF 2024

Rahul Ratan Tribhuvan

Age: 32 years, Occu.: Labour

R/o. Panchshil Nagar, Shrirampur,

Tq. Shrirampur, Dist. Ahmednagar

At present, Siddharth Nagar, Daund,

District Pune

... Applicant

Versus

1. The State of Maharashtra

Through Police Station, Shillegaon,

Tq. Vaijapur, District Aurangabad

2. X.Y.Z.

... Respondents

.....

Mr. Sunil B.Surse a/w Mr. Jitendra S. Jain, Advocates for Applicant

Mr. V.M. Chate, APP for Respondent No.1 – State

Ms. Sultana Rahim Khan, Advocate (appointed) for Respondent No.2

.....

CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 30 JANUARY 2025

PRONOUNCED ON : 31 JANUARY 2025

ORDER :

1. Applicant seeks enlargement on bail on account of his arrest in Crime No.0220 of 2024 registered at Sillegaon Police Station, District Aurangabad for offences punishable under Sections 376, 376(2)(N), 376(3), 366-A, 363, 109 of the Indian Penal Code (IPC) and under Sections 4, 6, 8, 12 and 17 of the Protection of Children from Sexual Offences (POCSO) Act, 2012.

2. Pointing to the date of arrest as 09.08.2024, learned counsel for the applicant submits that applicant is falsely implicated. That, there is allegation against the present present applicant that, he gave shelter to the main accused, and the victim. That, except such allegation, there is nothing incriminating against him. That, applicant is arrested because he happens to be a maternal uncle of main accused. He further submitted that, even otherwise there was love affair between boy and a girl. That, FIR is registered at the instance of victim's father. That, except above role, there are no other allegations, and moreover, nothing is shown to be yet recovered or discovered at instance of applicant. That, applicant is ready to abide all and any conditions imposed by this Court, including not to enter informant's village. For such reasons, relief of regular bail is urged for.

3. Learned APP as well as learned counsel for victim opposes the bail application pointing out that, pointing out that the present applicant is the maternal uncle of the boy, who is the main accused. That, he has kept the boy and girl in his house for long time. That, victim is barely of 14 years of age. That, applicant knew that victim was a minor, but still he permitted the boy and the victim to stay in his house. For all above reasons, they both have opposed the bail application.

4. Heard both the sides. Perused the FIR and papers. FIR seems to be at the instance of father of victim. Admittedly, report is regarding

missing/kidnapping of his daughter, aged 14 years and 11 months, by unknown person. FIR is of 08.06.2024 and the victim's statement was recorded on 17.06.2024. In her statement, she reported that, she had love relation with accused Shubham, who was residing in neighbourhood. She has reported that on 07.06.2024, while she was alone, the boy entered her house and had sexual relations with her. She again reported that, at around 5.45 p.m., she received message through one Babasaheb Gaikwad that, the boy is planning to marry her by taking her to Khultabad, and that for the same, boy's maternal uncle i.e. the present applicant is going to help, and accordingly the girl went with the boy. She has further reported that at around 8:15 p.m., the said Babasaheb Gaikwad came on a motorcycle and the girl was taken ahead of Ranjangaon, and from there, the boy, present applicant, victim and Babasaheb Gaikwad proceeded towards Bhedala Phata and reached Neurgaon at 11:30 p.m. There, the boy and the girl were kept in one room by Babasaheb Gaikwad, and the girl alleged that, the boy maintained physical relations with her there. On 08.06.2024, the present applicant met the victim, Babasaheb Gaikwad and Shubham at Newasa Phata. There, the present applicant informed that he had made arrangements for the boy and the girl in his house at Adarsh Nagar, near Dound Railway Station and according to the girl, they were put up in the said room of the present applicant from 08.06.2024 to 15.06.2024, and

later on, when the present applicant informed that her family members had lodged report, the girl insisted that she be dropped home, however, the boy suggested that she should go to police station.

Therefore, on the strength of above allegations, crime seems to have been registered. *Prima facie*, it is emerging that the girl admitted her love relations with the boy and that she left the house on message received from Babasaheb Gaikwad. Said Babasaheb Gaikwad, the boy as well as the girl proceeded on one motorcycle to Newasa Phata and met Rahul (present applicant) there. From there, she along with the boy and the present applicant went to Dound and allegedly stayed in the rooms of the present applicant. So much are the allegations against the present applicant. Now, investigation is said to be over. Girl is back in the custody of her parents. As nothing further is shown to be recovered or discovered at the instance of the applicant, and when there is no plausible explanation for further custody, applicant succeeds. Hence, the following order :

ORDER

- (i) Application is allowed.
- (ii) Applicant Rahul Ratan Tribhuvan be released on bail in connection with Crime No.0220 of 2024 registered at Sillegaon Police Station, District Aurangabad on executing Personal Bond of Rs.15,000/- with one surety in the like amount, on following conditions:

- (a) The applicant shall not enter village Sultanabad, Tq. Gangapur, District Aurangabad till conclusion of trial.
- (b) Applicant shall not leave the vicinity of Daund City, District Pune without prior permission of the Court, except for attending the trial.
- (b) Applicant shall not tamper prosecution evidence.
- (iii) Fees of the counsel appointed to represent respondent no.2 to be paid by the High Court Legal Services Sub-committee, Aurangabad as per Rules.

(ABHAY S. WAGHWASE, J.)

S P Rane