



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.2144 OF 2024

Sudarshan S/o. Raju Jangewad,
Age : 19 years, Occu. : Education,
R/o. Rajwadi, Tq. Hadgaon,
Dist. Nanded.

... Applicant

Versus

1. The State of Maharashtra,
Through Police Inspector,
Police Station, Bhokar,
Tq. Bhokar, Dist. Nanded.

2. X.Y.Z.

... Respondents.

.....
Mr. Shrikant G. Kawade, Advocate for Applicant.
Mr. S. M. Ganachari, APP for Respondent – State.
Mr. Narayan Chavan, Advocate for Respondent No.2 (Through V. C.)
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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 14 JANUARY, 2025

PRONOUNCED ON : 16 JANUARY, 2025

ORDER :

1. Present application is for grant of regular bail in Crime No. 396 of 2024 registered with Bhokar Police Station, Tq. Bhokar District Nanded for offence punishable under sections 64(2)(m), 65(1), 137(2) & 49 of Bharatiya Nyaya Sanhita, 2023 (BNS) and under sections 4, 6 and 17 of the Protection of Children from Sexual Offences Act (POCSO).

2. Learned counsel for applicant pointed out that applicant is falsely implicated. That, he is made co-accused for being friend of main accused against whom there are primary allegations by the victim. Learned counsel pointed out that, applicant was driving the vehicle in which main accused allegedly took his girlfriend with whom he had lover affair. That, no role is attributed to present applicant. That, he is a boy of 19 years and he is behind bars since October 2024. Learned counsel pointed out that, nothing is recovered or discovered from him and even charge-sheet has been filed, hence relief is urged for.

3. Opposing the application, learned APP pointed out that, serious offence under the provisions of POCSO Act is committed. That, victim is 15 years old. That, applicant was all along with main accused when the victim was forcibly ravished. That, applicant happens to be classmate and friend of main accused and therefore, for above reasons, learned APP opposed the relief as prayed.

4. Learned counsel for victim also opposed and submitted that present applicant and main accused are close friends. They are of same village and even victim is of same village. That, vehicle of present applicant was used in the crime. That, he is named in

the FIR and according to him, there being every possibility of misuse of liberty, he too opposes the bail.

5. After considering the submissions and on going through the FIR dated 18.10.2024, it transpires that, victim who gave her age 14 years and 11 months, reported that, she knew main accused Nikhil, who used to come in the vehicle with the present applicant. She has alleged that, on 17.10.2024, when she and her cousin were going towards the school, at around 12:30 p.m., white magic vehicle driven by present applicant and was also occupied by Nikhil came from behind. She has alleged that, Nikhil forcibly took her in the vehicle and the vehicle was taken towards a temple. Thereafter, Nikhil had forcibly sexual intercourse with her. Thereafter, present applicant, who was driving the vehicle, put it to water tank near a flyover and there also Nikhil took the girl towards the hill and had forcibly sexual intercourse with her and even Nikhil allegedly issued threats. Around 3:30 p.m., she reported her father, police was approached and report was lodged. On the basis of which, crime seems to have been registered for offence under sections 64(2)(m), 65(1), 137(2), 49 of BNS and sections 4, 6 and 17 of POCSO Act. Applicant is said to be arrested in above crime on 18.10.2024.

6. On carefully going through the above report, it does emerge that, applicant was behind the wheels of the car and Nikhil, who was accompanying him, had allegedly forcibly taken the victim in the car and report shows that victim was forced upon twice, but by accused Nikhil. Allegation against the present applicant is that, he was driving the vehicle. Both, learned APP as well as learned counsel for victim, pointed out that, present applicant is close friend of main accused Nikhil. Vehicle in question seems to be seized. Learned counsel for applicant made statement that, the vehicle belongs to applicant's father. Applicant is behind bars since last five months. He is apparently named for taking main accused in his vehicle. Case tried to be set up that there is love affair between main accused Nikhil and the victim and he has no direct concerned. Therefore, *prima facie*, it is emerging that, main accused has travelled in the vehicle driven by present applicant. Considering his such role and when nothing is shown to be further recovered or discovered at his instance, as well as considering his tender age, relief as prayed deserves to be granted. Hence, I proceed to pass the following order:-

ORDER

- (i) Application is allowed.
- (ii) Applicant Sudarshan S/o. Raju Jangewad be released on bail in connection with Crime No. 396 of 2024 registered with

Bhokar Police Station, Tq. Bhokar District Nanded on executing P.B. of Rs.15,000/- with one surety in the like amount.

(iii) Applicant shall attend the concerned police station as and when called by the Investigating Officer and shall co-operate in the investigation.

(iv) Applicant shall not tamper prosecution evidence.

(ABHAY S. WAGHWASE, J.)