

Spl. Cri. Case No. 05/2020  
State -vs- Rakesh & Oths.

**ORDER BELOW Exh.03**  
(Passed on 27.02.2020)

This is an application filed by applicants/accused Harish @ Chetan Devidas Narnaware and Amol Pandurang Narnaware for grant of regular bail under section 439 of Cr.P.C. in Crime No. 263/2019 for the offences punishable under sections 376(D) and 307 read with section 34 of IPC and sections 4 and 6 of POCSO Act registered by Police Station, Duggipar.

2. The prosecution case in brief is that on 03.11.2019 a child victim girl, aged about 10 years had gone to see Drama in her village at 9:00 p.m. Accused Rakesh Dewaikar saw the child victim and gave her Rs. 10/- and brought her near a lake. There were four other accused persons. While accused Rakesh Dewaikar committed rape on the child victim near the field of sugarcane, accused Prajwal Kharkate and Harish @ Chetan Narnaware (applicant No. 1) caught-hold the hands of the child victim. Accused Bandu Lakade and Amol Narnaware (applicant No. 2) were keeping watch so that no one should come to the spot of incident. After the accused raped child victim, all five accused attempted to kill child victim by drowning her 2-3 times. When all the accused felt that the child victim was dead, they ran away from the spot.

Thereafter, child victim regained her conscious and told about the incident to her parents and crime came to be registered.

3. It is contended by the applicants that charge-sheet in the case is filed and the applicants were arrested on suspicion and were not involved in the said offence. Hence, applicants be released on bail.

4. The Investigating Officer opposed the application on the ground that the offence was committed against child victim girl and both the applicants were involved in the commission of the offence.

5. Heard the learned advocate for the applicants and learned APP. The learned advocate for the applicants highlighted the identification parade report and stated that the child victim and other witnesses did not identify the applicants/accused Harish and Amol.

6. Perused charge-sheet. From the material on record it is prima-facie evident that accused Chetan had caught-hold the hands of child victim. It is also clear that accused Amol was taking care that no one should come to the spot of incident. On perusal of the identification parade report, it is clear that child victim and other witnesses had identified accused Harish and Amol. Hence, there is no substance in the submission of the learned advocate for the applicants that the witnesses did not identify the applicants.

The child victim is aged about 10 years and there was social unrest in the area after commission of the incident. Hence, all these facts and circumstances make the offence serious and heinous. Hence, grant of bail to the applicants cannot be justified. Hence, I pass the following order:-

**ORDER**

1. The application Exh. 3 is hereby rejected.

Gondia.

Date : 27.02.2020.

I/c. District Judge-2 & ASJ, Gondia.