

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2124 OF 2015**[Sanjay @ Sandip s/o Bhagwanrao Karwande Vs The State of Maharashtra]**

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or
directions and
Registrar's orders

Court's or Judge's orders

Shri G.G.Kadam, advocate for applicant
Smt. Pratibha Bharad, A.P.P. for respondent

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CORAM : V.M.DESHPANDE, J.**DATED : 18th June, 2015****PER COURT :-**

- 1] This is an application for bail.
- 2] The applicant is arrested in connection with Crime No. 20 of 2014, registered with Rural Police Station Basmath, District Hingoli for the offences punishable under Sections 363, 366(A), 376(2)(I), 506(2) r/w 34 of the Indian Penal Code; under Sections 3, 4 of the Protection of the Children from Sexual Offences Act and under Sections 3(1)(xii) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
- 3] The prosecutrix is minor girl. She is only 14 years of age.
- 4] According to the learned counsel for the applicant, the investigating agency has already completed investigation and charge sheet is filed, and therefore, further custodial presence of the applicant is not necessary. It is stated that the applicant is languishing in jail since last eight months. Merely because the applicant is languishing in jail since eight months is not a criteria for releasing the applicant on bail. The offence alleged to have committed by the applicant is

very serious in nature. The custody of the prosecutrix, minor girl, was handed over to the present applicant and present applicant took her away from the village and she was taken at Nanded city, wherein she was subjected to physical atrocities by the present applicant.

5] I have gone through the statement of the prosecutrix. It clearly spells out serious offence against the applicant. The maximum punishment for the offence under Section 376(2) of the Indian Penal Code is upto life. In that view of the matter, this court refrains itself from exercising discretion in favour of the applicant.

6] Application is dismissed.

7] The observations made in this order are prima facie in nature and are restricted to this application only and the learned Judge of the court below shall not get influenced himself by the said observations while deciding the matter on merits.

(V.M.DESHPANDE, J.)

dbm/crap2124.15