

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
BENCH AT AURANGABAD.

CRIMINAL APPLICATION NO.143 OF 2015

Balbhim S/o Ram Bansode & another                      Applicants

Versus

The State of Maharashtra and others                      Respondents

Mr. N.D. Kendre, advocate for applicants  
Mr. S.M. Jadhav, APP for State.

CORAM :    M. T. JOSHI, J.  
DATE :       JANUARY 29, 2015

**ORDER**

1.     Heard both sides.
2.     The present applicants, who are arrested by the Ahemadpur Police Station in Crime No.260 of 2014 for the offences punishable under sections 366-A, 376(1) of Indian Penal Code and under sections 4(b) and 5(L) of the Protection of Children From Sexual Offences Act, 2012, are praying for their release on bail.
3.     On the basis of the complaint of the grandfather of 15 years old victim, that the present applicants along with one co-accused Viz. Asha had taken away the minor from his custody and seduced her and present applicant No.2 Dnyaneshwar had raped her, offences as aforesaid came to be registered.

4. The statement of the victim recorded after she was found, would show that she was in love affair with present applicant No.2 Dnyaneshwar, who is in her near relation. Her father had tried to settle her marriage elsewhere and therefore, she had eloped along with Dnyaneshwar. During the love affair, they had sexual intercourse between them.

5. Learned counsel for the applicants points out the fact that mother of applicant No.2, namely Asha is already released on bail by this Court by order dated 15.11.2014 in criminal Application No.6001 of 2014.

6. At that time, application of present applicant No.1 Baliram was withdrawn with liberty to file fresh application on submission of chargesheet. However, his application for release on bail made after the charge sheet was filed, was rejected by the Sessions Court and hence the present application.

7. Learned counsel for the applicants submits that as charge-sheet is now submitted, they may be released on bail.

8. Learned APP opposes the prayer.

9. Considering that the minor is now traced-out and investigation is also completed and having regard to the nature of background of the case, in my view, applicants can be released on bail.

10. Hence, following order:

(A) Applicants be released on bail in Crime No.260 of 2014 registered with Ahmedpur Police Station for the offences punishable u/sections 366-A, 376(1) of Indian Penal Code and under sections 4(b) and 5(L) of the Protection of Children From Sexual Offences Act, 2012 upon their executing P.R. bond in the amount of Rs.20,000/- each and one surety by each of them in the like amount.

(B) The applicants shall not try to influence prosecution witnesses.

11. Application disposed of.

(M. T. JOSHI, J.)

pnd