

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

Criminal Application No.709 of 2015

Samadhan Rajendra Mali. **.. Applicant.**

Versus

The State of Maharashtra. **.. Respondent.**

Shri. Pawan B. Pawar, Advocate, for applicant.

Shri. A.V. Deshmukh, Additional Public Prosecutor, for respondent.

Shri. Shashibhushan P. Deshmukh, Advocate, holding for Shri. M.S. Deshmukh, Advocate, to assist the APP.

CORAM: T.V. NALAWADE, J.

DATE : 25th FEBRUARY 2015

ORDER:

1) The application is filed for the relief of bail. Both sides are heard. Learned counsel Shri. Deshmukh was allowed to assist the learned Additional Public Prosecutor.

2) Crime is registered on the basis of report given by the victim girl, who is aged about 9 years. She is resident of Dhule. She had gone to village Kapadane for

some function. The applicant is resident of that village. According to the victim girl, on 26-1-2015 the present applicant took her to his house under pretext that one garland was kept by her father in his house and he wanted to handover that garland to the victim girl. She has made allegation that under that pretext in the house the applicant misbehaved with her. He touched her body and tried to remove her pant. It is her case that she somehow escaped and she approached her mother and aunt and she narrated the incident to them. Persons from there made inquiry and tried to hold the applicant but he ran away.

3) This Court has perused the statements of the witnesses from Kapadane. They are consistent with the version of the girl.

4) The learned counsel for the applicant submitted that the applicant is behind the bars since 26-1-2015. In view of nature of material and the nature of allegations this Court holds that it is not desirable to keep the applicant behinds the bars till disposal of the case which may be filed against him.

5) In the result, the application is allowed. The applicant is to be released on bail in Crime No.8/2005 registered in Songir Police Station, District Dhule for offences punishable under section 354-A(1)(i)(v) of the Indian Penal Code and sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 on his furnishing PB and SB of Rs.15,000/-. The applicant is not to tamper with prosecution witnesses. He is not to commit similar offences. He is not to enter village Kapadane and he is not go to the vicinity of the residential place of the victim girl from Dhule till disposal of the case which may be filed against him.

Sd/-
(T.V. NALAWADE, J.)

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