

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

Office Memoranda of appearance, directions and orders.	Notes, of Court's orders and Registrar's	Court's or Judge's orders.
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CRIMINAL APPLICATION NO. 821 OF 2015

MUKESH S/O DURGADAS PAWAR
 VERSUS
 THE STATE OF MAHARASHTRA

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 Advocate for Applicant : Mr. Tripathi Manish P.
 APP for Respondent: Mr. M. M. Nerlikar.

CORAM: T. V. NALAWADE, J.
DATED: 27th FEBRUARY, 2015.

PER COURT:

1. The application is filed for relief of anticipatory bail.
2. Both the sides are heard.
3. This Court has perused the papers of investigation.
4. The crime is registered for offence punishable under sections 354-A, 34 etc. of I.P.C. and sections 8 and 12 of Protection of Children from Sexual Offences Act, 2012. The victim girl is aged about 14 years and applicant hails from her village. One Sonu is the brother of the applicant. In the past Sonu used to chase her and tease her. She had not made complaint to others on that occasion. On the date of the incident when she was returning to home at about 1.30 p.m.

Sonu and present applicant obstructed her. Applicant virtually held her and he said that he wanted to kiss her. She shouted and so persons rushed there. One person gave beating to both present applicant and his brother Sonu and after seeing that others were rushing these two boys ran away. The learned counsel for the Applicant submitted that the marriage of the applicant is settled and his arrest will come in his way to marry. This circumstances cannot be considered in his favour. No reason is there to hold that this victim girl, aged about 14 years, had any reason to falsely implicate the applicant. There are statements of independent witnesses. The new Act was made only to protect such girls and the purpose behind the Act will be defeated if protection is given in such cases. This Court holds that this is not a fit case to give relief. In the result, application is rejected.

[T. V. NALAWADE, J.]

Dt.27/02/2015
ans/821