

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 885 OF 2015

Shakeel s/o Rasool Sahab Shaikh,
Age : 22 years, Occu. Agriculture,
R/o Nandura (Kh.), Tq. Ahmedpur,
District Latur

APPLICANT

VERSUS

The State of Maharashtra,
through Police Inspector,
Ahmedpur Police Station,
Tq. Ahmedpur, Dist. Latur

RESPONDENT

Mr. Javed Abdul H. Deshmukh, Advocate for the applicant
Mr. S.P. Daund, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.

DATE : 11/03/2015

ORAL ORDER :

1. Heard both sides.
2. The present applicant, who is arrested by Ahmedpur Police Station, Taluka Ahmedpur, District Latur in Crime No. I-20/2014, registered for the offences punishable under section 376(I) of the I.P. Code and under section 3 and 4 of the Protection of Children from Sexual Offences Act, 2012, is praying for his release on

bail.

3. The present applicant's earlier application, for grant of similar relief, bearing Criminal Application No. 2468/2014, was allowed to be withdrawn by this Court vide order dated 3rd July, 2014, with a direction to the learned Sessions Court for expediting the hearing of the case. The record, however, would show that the trial could not be concluded during last eight months and therefore, the present application.

4. The complaint of the mother of 6 and $\frac{1}{2}$ years old victim of the offence would show that on 29th January, 2014, at about 12.00 in the noon, the present applicant has attempted to commit forcible sexual intercourse with the said 6 and $\frac{1}{2}$ years old girl. However, there was no penetration. The private part, however, was swollen. The victim narrated the incident to her mother on the next date i.e. 30th January, 2014 at about 9.00 a.m. Thereafter, as the father of the victim was out of station, the complaint was filed on the next date on 31st January, 2014 at 3.30 p.m.

5. The learned counsel for the applicant submits

that the medical examination of the victim would show that no swelling was found to the private part of the victim. The applicant is falsely implicated in the crime. The trial would take its own time.

6. The learned A.P.P., on the other hand, opposed the application.

7. The medical examination of the girl – the victim, which was carried out after 48 hours of the alleged incident, would show that no swelling was found to the private part. Whether swelling would continue for this period is not required to be commented at this stage. However, finding that the present applicant is behind the bars since 31st January, 2014 and the trial may take its own time, the applicant can very well be released on bail, on certain conditions. Hence, the following order:-

8. The applicant – Sakeel s/o Rasool Sahab Shaikh be released on bail in Crime No. I-20/2014, registered with Ahmedpur Police Station, Taluka Ahmedpur, District Latur, for the offences punishable under section 376(I) of the I.P. Code and under section 3 and 4 of the

Protection of Children from Sexual Offences Act, 2012, on his executing P.R. bond in the sum of Rs. 20,000/- (rupees twenty thousand) and also upon furnishing surety in the like amount.

. The applicant shall not enter the territorial limits of village Nandura (Kh.), Tq. Ahmedpur, for a period of two years from the date of his release on bail, or till the trial is concluded, whichever occurs earlier, without prior permission of the concerned Sessions Court.

9. The Investigating Officer is directed to communicate the order of putting the restriction on entering of the applicant in the village, in writing to the complainant.

10. The application accordingly stands disposed of.

11. The learned A.P.P. to act on authenticated copy of this order.

[M.T. JOSHI]
JUDGE

