

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
CRIMINAL APPELLATE JURISDICTION.**

Criminal Application No. 1034 Of 2015.

KISHOR S/O KALURAM VEKHANDE.

VERSUS

THE STATE Of MAHARASHTRA.

Appearance =>

Mr. Victor Chettiar, Advocate for the Applicant.

Mrs. Pratibha Bharad, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. DESHPANDE, J.

DATE : 23rd MARCH, 2015.

Per Court :-

By filing present Criminal Application, the Applicant is seeking his enlargement on bail in connection with CR No.214/2014 registered with Police Station (City), Aurangabad for the offence punishable under Section 377 of the Indian Penal Code, 1860 and under Section.s. 3, 4, 5 and 6 of the Protection of Children from Sexual Offences Act, 2012. (In short, POCSO Act.)

[2] Heard Mr. Victor Chettiar, learned counsel for the Applicant and Mrs. Pratibha Bharad, learned Additional Public Prosecutor for the State.

[3] In the present case, after completion of entire investigation, the Charge-Sheet is already filed before the court. The

applicant is in jail since 12th September, 2014. Looking to the variance in respect of identity of the present applicant, in statement dated 21/09/2014 recorded under Section 164 of the Code of Criminal Procedure before the learned Magistrate and statement dated 13/09/2014, prima facie case is made out by the present applicant to release him on bail especially when the Charge-Sheet is filed. Hence, I pass the following order :-

ORDER

(i) Criminal Application is allowed.

(ii) Applicant - KISHOR S/O KALURAM VEKHANDE shall be released on bail on he executing PR. Bond of Rs. 10.000/- [Rs.Ten Thousand] with two solvent sureties in the like amount, in connection with CR No.214/2014 registered with Police Station (City Chowk), Aurangabad for the offences punishable under Section 377 of the Indian Penal Code, 1860 and under Section.s. 3,4,5 and 6 of the Protection of Children from Sexual Offences Act, 2012.

(iii) Bail before trial court.

(iii) The applicants shall attend the Police Station (City Chowk) Aurangabad once in a week preferably on every Sunday in between 3.00 p.m. to 4.00 p.m., till Charge is framed.

(iv) It is directed that the applicant shall not in any way contact the victim boy or his family members.

(v) If it is found that, the applicant has tried to contact the victim boy or his family member that will give cause to the prosecution agency to file an application for cancellation of bail.

(vi) With this Criminal Application is disposed of.

(V.M. DESHPANDE, J.)