

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

CRIMINAL APPLICATION NO. 1394 OF 2015

Akshay S/o Ashok Mate

.... APPLICANT

V E R S U S

The State of Maharashtra

.... RESPONDENT

.....

Mr. S.R.Sapkal, Advocate for Applicant.

Mrs. V.A.Shinde, A.P.P. for Respondent – State.

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CORAM : V.M.DESHPANDE, J.

DATE : 31st MARCH, 2015

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PER COURT :

1. The present applicant is seeking his enlargement on bail in connection with Crime No. 112/2014 for the offences punishable u/s 363, 366-A, 376 (2) (i) (n) read with 34 of the Indian Penal Code and Section 11 and 12 of Protection of Children from Sexual Offences Act, 2012 registered with Police Station Shrirampur, district Ahmednagar.

2. Heard Mr. S.R.Sapkal, learned counsel for the applicant and Mrs. V.A.Shinde, learned A.P.P. for Respondent – State in extenso.

3. The investigating agency has already completed the investigation and charge sheet is filed.

4. The present applicant is accused No. 4 in the charge sheet. Accused No. 2 Rahul is released on anticipatory bail by this Court on 23/12/2014. Accused No. 3 is released on regular bail by the learned trial Court.

5. The statement of the prosecutrix clearly attributes the overt acts against accused Mahesh. The role attributed to accused No. 2 Rahul and the role attributed to the present applicant is identical.

6. This Court has observed that accused Rahul, whose role is identical to the present applicant, tried to deceive the main accused. All the allegations are against accused Mahesh. In view of the fact that charge sheet is already filed and no overt acts are attributed to the applicant, the custodial presence of the applicant will not subserve any purpose.

7. Hence, I pass the following order :

(i) The present Criminal Application is hereby allowed.

(ii) The Applicant be released on bail in connection with Crime No. 112/2014 for the offences punishable u/s 363, 366-A, 376 (2) (i)

(n) read with 34 of the Indian Penal Code and Section 11 and 12 of Protection of Children from Sexual Offences Act, 2012 registered with Police Station Shrirampur, district Ahmednagar on he executing P.R. Bond of Rs. 10,000/- [Rupees Ten Thousand] with one solvent surety of like amount. Bail before the trial Court.

(iii) With these observations, the present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]