

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

CRIMINAL APPLICATION NO. 1430 OF 2015

Ganesh Namdeo Pawar

.... APPLICANT

V E R S U S

The State of Maharashtra

.... RESPONDENT

.....

Mr. R.K.Temkar, Advocate for Applicant.

Mr. A.S.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. 44/2014 for the offences punishable u/s 363, 366, 376 (2) (I) of the Indian Penal Code, u/s 3 (1) (12) of the Scheduled Castes and the Scheduled Tribes [Prevention of Atrocities] Act, 1989 and u/s 4 of Protection of Children from Sexual Offences Act, 2012 registered with Police Station Ashvi, Sangamner, district Ahmednagar.

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

3. The investigation is already over and charge sheet is filed before the Court below.

4. The allegation against the present applicant is that on the pretext of marriage, he has established sexual contacts with the prosecutrix for the considerable long period, resulting into her pregnancy. It is alleged that the applicant and the prosecutrix belong to different caste and therefore taking advantage of the promise, the applicant has established sexual contacts with the prosecutrix. The applicant is in jail since 14/11/2014. Looking to the fact that the statement of the prosecutrix and the other witnesses is already finding its place in the charge sheet, the custodial presence of the applicant is not at all necessary in view of the fact that in near future the trial is unlikely to be commenced.

5. 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. 44/2014 for the offences punishable u/s 363, 366, 376 (2) (I) of the Indian Penal Code, u/s 3 (1) (12) of the Scheduled Castes and the Scheduled Tribes [Prevention of Atrocities] Act, 1989 and u/s 4 of Protection of Children from Sexual Offences Act, 2012 registered with Police Station Ashvi,

Sangamner, 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) The applicant shall attend Police Station Ashvi, Sangamner, district Ahmednagar once in a fortnight and preferably on every Sunday between 11.00 a.m. and 2.00 p.m. till Charge is framed.

(iv) The applicant shall not cause any threat to the prosecutrix or any of the prosecution witnesses.

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

[V.M.DESHPANDE, J.]

