

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

Criminal Application No. 1498 Of 2015.

MOHSIN @ SAMIR RASHID TADVI.
VERSUS
THE STATE Of MAHARASHTRA.

Appearance =>

Mr. Satej S. Jadhav, Advocate for the Applicant.

Mr. U.H. Bhogale, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 16th April, 2015.

Per Court :-

Present Criminal Application is filed by the Applicant for grant of regular bail in connection with CR No. 112/2014 registered with Taluka Police Station, Jalgaon, District – Jalgaon for the offences punishable under Section.s. 376, 363, 366(A), 506 of the Indian Penal Code and under Section.s. 3(A) and 4 of the Protection of Children from Sexual Offences Act.

[2] Heard Mr. Satej S. Jadhav, learned counsel for the Applicant and Mr. Bhogale, learned Additional Public for the Respondent - State of Maharashtra.

[3] The Investigating Officer has already completed the entire investigation and already charge sheet is filed in the Court. Even from the First Information Report and also from the statement of Prosecutrix and also

in view of the date of birth of Prosecutrix, it appears that age of Prosecutrix is 17 years & 6 months. Thus, Prosecutrix has attained the age of understanding. The Applicant has annexed alongwith the present Application, exchange of S.M.S's. between the present Applicant and the Prosecutrix from which it can be gathered that there was love affair between the present Applicant and the Prosecutrix. Even it appears that, the Prosecutrix had been to watch the movie in a theater, alongwith the Applicant and they used to meet each others.

[4] On the basis of initial statement of the Prosecutrix dated 18/09/2014, offences punishable under Section.s. 363 and 366(A) of the Indian Penal Code was registered however, on the basis of supplementary statement of the Prosecutrix, offence punishable under Section 376 and under Section.s. 3(A) and 4 of the Protection of Children from Sexual Offences Act were added.

[5] In view of the fact that, entire investigation is over, Prosecutrix is college going girl as well as present Applicant is college going boy, Applicant is 23 years old and Charge-Sheet is filed, prima facie, it can be deduced that, there was love affair between Applicant and the Prosecutrix, further continuance of the present Applicant in jail will not sub-serve any purpose. Hence, I pass the following order :-

ORDER

(i) Criminal Application is allowed.

(ii) Applicant - MOHSIN @ SAMIR RASHID TADVI shall be released on regular bail on he executing P.R. Bond of Rs. 5,000/- [Rs. Five Thousand.] with one solvent surety in the like

amount, in connection with CR No. 112/2014 registered with Taluka Police Station, Jalgaon, District – Jalgaon for the offences punishable under Section.s. 376, 363, 366(A), 506 of the Indian Penal Code and under Section.s. 3(A) and 4 of the Protection of Children from Sexual Offences Act.

(iii) Bail before trial court.

(iv) The Applicant shall not tamper with the Prosecutrix evidence.

(v) Criminal Application allowed and same is disposed of accordingly.

(V.M. DESHPANDE, J.)