

FARAD CONTINUATION SHEET NO.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 1704 OF 2015
[Atul Vasudev Andhale Vs The State of Maharashtra]

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or
directions and
Registrar's orders

Court's or Judge's orders

Shri R.G.Hange, advocate for applicant
Shri A.S.Shinde, A.P.P. for respondent

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CORAM : V.M.DESHPANDE, J.
DATED : 16th April, 2015

PER COURT :-

- 1] Heard Shri R.G.Hange, learned counsel for the applicant and Shri A.S.Shinde, learned Additional Public Prosecutor for the respondent/State.
- 2] This is an application for bail since the applicant is arrested in connection with Crime No. 156 of 2014, registered at Neknoor police station, Taluka and District Beed, for the offences punishable under Section 376(2)(I), 342, 354 (3) of the Indian Penal Code and under Sections 4, 12 of the Protection of Children from Sexual Offences Act.
- 3] On 25.12.2014 supplementary statement of the prosecutrix was recorded wherein she alleged the forcible intercourse with her by the present applicant, and therefore, offence under Section 376(2)(I), 342, 506 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act was added.
- 4] The prosecutrix is medically examined. It shows from her dental examination and also after the radiological examination, her age is between 16 to 18 years, however, opinion of the doctor shows that her age is below 17 years.

According to the school record, the age of the prosecutrix is 14 years is the submission of the learned counsel for the applicant. Exact age of the prosecutrix will be determined at the stage of trial, however, presently in the prosecution case there is possibility of the age above 17 years, which is the age of understanding. Further, medical evidence of the prosecutrix does not show any violent acts on her body.

5] Further, age of the present applicant is also 20 years. Charge sheet is already filed. In that view of the matter, further custodial presence of the present applicant, looking to his age, will not subserve any purpose. Hence, I pass following order.

O R D E R

- (i) Criminal Application is allowed.
- (ii) Applicant-Atul Vasudev Andhale be released on bail, in connection with Crime No. 156 of 2014, registered at Neknoor police station, Taluka and District Beed, for the offences punishable under Section 376(2)(I), 342, 354 (3) of the Indian Penal Code and under Sections 4, 12 of the Protection of Children from Sexual Offences Act on his executing P.R. bond in the sum of Rs.5,000/- with one solvent surety in the like amount.
- (iii) Bail before the trial court.
- (iv) The applicant shall not enter village Hingni for a period of two years or till the trial is over whichever is earlier.
- (v) The applicant shall intimate the address of his residence to the investigating officer.
- (vi) The observations made in this order are prima facie in nature and are restricted to this application only and the learned Judge of the court

below shall not get influenced himself by the said observations while deciding the matter on merits.

(vii) Application is disposed of.

(V.M.DESHPANDE, J.)

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