

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

CRIMINAL APPLICATION NO. 2049 OF 2015

Vijaykumar s/o Vithal Kambale & Anr. **APPLICANTS**

V E R S U S

The State of Maharashtra **RESPONDENT**

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Mr. S.C.Swami, Advocate for Applicants.

Mr. A.S.Shinde, A.P.P. for Resp.– State.

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CORAM : V.M.DESHPANDE, J.

DATE : 30th APRIL, 2015

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PER COURT :

1. By the present application, applicants are seeking release on bail since they are arrested on 24/02/2015 in connection with Crime No. 24/2015 registered with police station Udgir [Rural], Dist. Latur for the offences punishable u/s 376,363,506 read with 34 of the Indian Penal Code and u/s 4(A), 7 and 8 of the Protection of Children from Sexual Offences Act, 2012.

2. Heard Mr. S.C.Swami, learned counsel for the applicants and Mr. A.S.Shinde, learned A.P.P. for respondent – State.

3. The application is opposed by learned A.P.P. on

the ground that investigation is in progress and charge sheet is not filed. F.I.R. is lodged by prosecutrix herself. It is lodged on 24/02/2015. From the F.I.R., it is clear that prosecutrix was subjected to the sexual assault not by present applicants but by one Ram Kamble. The allegations against present applicants is that they have given threats to the prosecutrix in respect of the alleged incident dated 22/02/2015, for which they are not at all responsible. In that view of the matter, continuance of custodial presence of the present applicants is not at all necessary.

4. Hence, I pass the following order :

(i) Present Criminal Application is hereby allowed.

(ii) Applicant No. 1 Vijaykumar s/o Vithal Kambale and applicant No. 2 Somnath s/o Dilip Kambale be released on bail in connection with Crime No. 24/2015 registered with police station Udgir [Rural], Dist. Latur for the offences punishable u/s 376,363,506 read with 34 of the Indian Penal Code and u/s 4(A), 7 and 8 of the Protection of Children from Sexual Offences Act, 2012 on they executing P.R. Bond of Rs. 5,000/- [Rupees Five Thousand] with one solvent surety of like amount by each of them. Bail before the trial Court.

(iii) Present applicant Nos. 1 and 2 shall attend

police station Udgir [Rural] once in a week preferably on every Sunday between 2.00 p.m. and 4.00 p.m. till the charge sheet is filed.

(iv) Present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]

KNP/Cr.Apln. 2049.2015