

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

CRIMINAL APPLICATION NO. 2109 OF 2015

Tukaram s/o Dhondiba Kshirsagar

.... APPLICANT

V E R S U S

The State of Maharashtra

.... RESPONDENT

.....

Mr. S.S.Panale, Advocate for Applicant.

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

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CORAM : V.M.DESHPANDE, J.

DATE : 28th APRIL, 2015

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PER COURT :

1. This is an application for bail since the applicant is arrested in connection with Crime No. 143/2014 registered with Bhada Police Station, Tq. Ausa, Dist. Latur for the offences punishable u/s 376 (2) (I), 354 (A) (D) of the Indian Penal Code and u/s 3 and 4 of Protection of Children from Sexual Offences Act.

2. Heard Mr. S.S.Panale, learned counsel for applicant and Mr. A.S.Shinde, learned A.P.P. for Respondent – State.

3. Investigating Officer has already completed

investigation and charge sheet is filed.

4. Prosecutrix is aged 16 years. F.I.R. is lodged on 03/11/2014. According to F.I.R., sexual assault was done by the applicant on prosecutrix on 12/03/2014, whereas on 28/09/2014, present applicant tried to outrage modesty of the prosecutrix and lastly on 26/10/2014 also present applicant tried to outrage her modesty. Statements of parents of the prosecutrix is also recorded. Said statements show that on 28/09/2014 prosecutrix has disclosed to them in respect of sexual assault on her on 12/03/2014. In spite of giving them intimation on 28/09/2014, for the reasons best known to them, they have not lodged report. Only on 03/11/2014 , report is lodged. Further, charge sheet is already filed. There is no explanation about delay in lodging F.I.R. That leads me to pass following order.

(i) Present Criminal Application is allowed.

(ii) Applicant Tukaram s/o Dhondiba Kshirsagar be released on bail in connection with Crime No. 143/2014 registered with Bhada Police Station, Tq. Ausa, Dist. Latur for the offences punishable u/s 376 (2) (I), 354 (A) (D) of the Indian Penal Code and u/s 3 and 4 of Protection of Children from Sexual Offences Act on he executing P.R. Bond of Rs. 25,000/- [Rupees Twenty Five Thousand] with one solvent surety of like amount. Bail before the trial Court.

(iii) Present applicant shall not tamper the prosecution witnesses.

(iv) Present applicant shall attend Bhada Police Station once in a week preferably on every Sunday between 3.00 p.m. and 4.00 p.m. till the charge is framed by the Court below.

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

[V.M.DESHPANDE, J.]