

FARAD CONTINUATION SHEET NO.

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

CRIMINAL APPLICATION NO. 2120 OF 2015
[Krushna Dajiba Waikar 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 Zafar M. Pathan, advocate for applicant
Smt. V.A.Shinde, A.P.P. for respondent

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CORAM : V.M.DESHPANDE, J.
DATED : 29th April, 2015

PER COURT :-

1] Heard Shri Zafar M. Pathan, learned counsel for applicant.

2[By the present application, applicant is seeking his release on bail in connection with Crime No. 18 of 2015, for the offences punishable under Sections 376(2)(f)(I) of the Indian Penal Code and Section 3(a)(b), 4, 5(n), 6 of the Protection of Children from Sexual Offences Act, 2012.

3] The investigation is in progress and charge sheet is not filed. The prosecutrix is only 14 years of age. Learned counsel for the applicant submits that the age of the applicant is 19 years and his custodial presence is not necessary.

4] I have gone through the first information report and also other material collected during the course of investigation. From the first information report, it is crystal clear that the present applicant has sexually assaulted minor girl. Learned counsel tried to buttress his submission on the basis of the decision of this court reported in **2007 (1)**

B.Cr.C. 228 [Pravin Ashok Rakh vs State of Maharashtra]

that the applicant should be released on bail.

5] I am afraid, the said decision is hardly of any assistance to the case of the present applicant. In the present matter, provisions of the Protection of Children from Sexual Offences Act, 2012 are attracted.

6] In view of the material available against the present applicant, no case is made out in favour of the applicant. Hence, application is rejected.

(V.M.DESHPANDE, J.)

dbm/crap2120.15