

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

CRIMINAL APPLICATION NO. 2270 OF 2015

Sanjay @ Balu s/o Govindrao Manekar **APPLICANT**

V E R S U S

The State of Maharashtra **RESPONDENT**

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Mr. B.N.Magar, Advocate for Applicant.

Mrs. Pratibha Bharad, A.P.P. for Resp. - State.

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CORAM : V.M.DESHPANDE, J.

DATE : 5th MAY, 2015

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PER COURT :

1. Present applicant, who is arrested in connection with Crime No. 24/2015 registered with police station Vasmat (City), Dist. Hingoli for the offences punishable u/s 376 (1) (2) (I) (L) of the Indian Penal Code, u/s 3,4,5 (k) of the Protection of Children from Sexual Offences Act and u/s 3 (1) (xii) (2) of the Scheduled Castes and the Scheduled Tribes [Prevention of Atrocities] Act, is claiming for his release on bail.

2. Heard Mr. B.N.Magar, learned Counsel for the applicant and Mrs. Pratibha Bharad, learned A.P.P. for respondent – State.

3. F.I.R. is lodged by Ranjana, mother of prosecutrix. According to prosecution case, Chandu, brother of prosecutrix has seen prosecutrix lying on ground and that time, after seeing Chandu, present applicant ran away from the spot.

4. Though the charge sheet is not filed, from the investigation papers, it is clear that except receipt of C.A. report, entire investigation is over. Medical report in respect of prosecutrix and also in respect of present applicant, clearly shows that there was no sexual assault on the prosecutrix. In fact, in clinching words, Medical Officer has recorded his finding that no sexual assault took place on prosecutrix. In view of the aforesaid, the submission of the learned counsel for the applicant that due to long standing dispute between present applicant, who is brick Kiln owner and the father of prosecutrix, who is a labour, has some force.

5. Looking to the fact that investigation is almost complete and only filing of charge sheet is remained to be done, present applicant can be released on bail by putting some conditions on him.

6. Hence, I pass the following order :

(i) Present Criminal Application is hereby allowed.

(ii) Applicant Sanjay @ Balu s/o Govindrao Manekar be released on bail in connection with Crime No. 24/2015 registered with police station Vasmat (City), Dist. Hingoli for the offences punishable u/s 376 (1) (2) (I) (L) of the Indian Penal Code, u/s 3,4,5 (k) of the Protection of Children from Sexual Offences Act and u/s 3 (1) (xii) (2) of the Scheduled Castes and the Scheduled Tribes [Prevention of Atrocities] Act on he executing P.R.Bond of Rs. 50,000/- [Rupees Fifty Thousand] with two solvent sureties of like amount. Bail before the trial Court.

(iii) Present applicant shall attend police station Vasmat (City) once in a week preferably on every Sunday between 10.00 a.m. and 12.00 noon till the Charge is framed by the Court below.

(iv) Present applicant shall not intimidate the prosecutrix or any of her family member. If it is found by the Investigating officer that the applicant is interfering with the investigation and/or tampering with the prosecution case, it shall be open for the Investigating Officer to file application for cancellation of bail.

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

[V.M.DESHPANDE, J.]

KNP/Cr.Apln. 2270.2015