

FARAD CONTINUATION SHEET NO.

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

CRIMINAL APPLICATION NO. 2609 OF 2015
[Vikas s/o Abhiman Gaikwad 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 S.J.Salunke, advocate for applicant
Shri U.S.Mote, A.P.P. for respondent

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CORAM : V.M.DESHPANDE, J.
DATED : 15th June, 2015

PER COURT :-

1] This is an application for regular bail since the applicant is arrested in connection with Crime No. 28 of 2015, registered at Yusufwadgaon police station, Taluka Kaij, District Beed, for the offences punishable under Sections 376(2)(i), 366A, 363 of the Indian Penal Code and under Section 4 of the Protection of Children from Sexual Offenses Act, 2012.

2] I have heard Shri S.J.Salunke, learned counsel for the applicant and Shri U.S.Mote, learned Additional Public Prosecutor for the respondent/State.

3] The investigating agency has already completed entire investigation and charge sheet is also filed before the court of law.

4] The first information report is lodged by the mother of the prosecutrix on 5.3.2015. During the course of investigation, on 6.3.2015, the statement of the prosecutrix was recorded by police under Section 161 of the Criminal Procedure Code and her statement under Section 164 of the Code of Criminal Procedure was recorded by the learned

Judicial Magistrate, First Class, Kaij on 7.3.2015.

5] From the investigation papers and the charge sheet, it is clear that age of the prosecutrix is 16 years. From her statement recorded under Section 164 of the Code of Criminal Procedure, it is clear that the marriage of the prosecutrix was fixed by her mother with some other person, however, the prosecutrix was not agreeable to marry with the said person, since she was in love with the present applicant.

6] From the statement of the prosecutrix it is clear that her marriage was fixed by her mother with some other person and looking to the age of the prosecutrix as 16 years, it is clear that the prosecutrix has attained the age of understanding and in view of the fact that the investigation is over and charge sheet is filed, further custodial presence of the applicant is unwarranted.

7] The learned counsel for the applicant submitted that the apprehension of the prosecution can be taken care of by directing the applicant that he shall not enter into village Kavadgaon, Taluka Kaij and according to the learned counsel for the applicant, the applicant on release from jail shall reside at Ambejogai. That leads me to pass the following order.

ORDER

- (i) Criminal Application is allowed.
- (ii) Applicant-Vikas Abhiman Gaikwad be released on bail, in connection with Crime No. 28 of 2015, registered at Yusufwadgaon police station, Taluka Kaij, District Beed, for the offences punishable under Sections 376(2)(i), 366A, 363 of the Indian Penal Code and under Section 4 of the Protection of Children from Sexual Offenses Act, 2012, on he executing P.R.bond of Rs.25,000/- with two solvent sureties.

- (iii) Bail before the trial court.
- (iv) The applicant shall not enter into territorial limits of Kavadgaon, Taluka Kaij, District Beed.
- (v) The applicant shall reside at Ambejogai.
- (vi) The applicant shall furnish his residential address to the investigating officer of the present crime.
- (vii) The applicant shall attend police station Ambejogai (City) once in a fortnight preferably on every Sunday between 3.00 p.m. to 5.00 p.m. till the charge is framed.
- (viii) The application is disposed of.

(V.M.DESHPANDE, J.)

dbm/crap2609.15