

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

CRIMINAL APPLICATION NO. 2848 OF 2015.

GANESH S/O PANDURANG PADULE
VERSUS
THE STATE OF MAHARASHTRA

Appearance =>

Mr. Prashant D. Suryawanshi, Advocate for the Applicant.

Mr. U.S. Mote, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 30th June, 2015.

Per Court :-

Present Criminal Application is filed by the Applicant for grant of regular bail in connection with CR No.108/2014 registered with Police Station, Wadwani, Taluka – Wadwani, District - Beed for the offences punishable under Section/s 376, 306 read with 34 of the Indian Penal Code and under Section 3 and 4 of the Protection of Children From Sexual Offences Act, 2012.

[2] Heard Mr. Prashant D. Suryawanshi, learned counsel for the Applicant and Mr. U.S. Mote, learned Additional Public Prosecutor for the State of Maharashtra.

[3] Investigating Agency has completed the entire investigation and already charge sheet is filed in the court of law.

Mahadeo Murkute, brother of victim has lodged the first information. According to the First Information Report, age of victim was 17 years and at the relevant time, she was taking education in XIth Std.

[4] First Information Report further discloses that, house of present Applicant is adjacent to the house of the First Informant and victim used to visit the house of her brother. In that process, according to the First Information Report, the victim and present Applicant developed intimacy, which has ultimately converted into love affair between them.

[5] Initially, the family members of the present Applicant were ready for marriage however, subsequently, on the ground that both belongs to different caste, family members of present Applicant refused to accord their sanction for marriage. This is the reason for committing the suicide by the victim, by taking poison, is the First Information Report.

[6] Though offence punishable under Section 376 of Indian Penal Code is added, there is nothing in the charge sheet to show that present Applicant at any point of time, had forcible sexual intercourse with the deceased / victim. Charge sheet is already filed. The applicant is in jail since 15th December, 2014. Refusal to marry cannot be said to be instigation to commit the suicide. That leads me to pass the following order :-

ORDER

- (i) Criminal Application is allowed.
- (ii) Applicant - GANESH S/O PANDURANG S/O PADULE shall be released on regular bail on he executing PR. Bond of Rs. 10,000/- [Rs. Ten Thousand] with one solvent surety in the like amount, in connection with CR No.108/2014 registered with Police Station, Wadwani, Taluka – Wadwani, District - Beed for the offences punishable under Section/s 376, 306 read with 34 of the Indian Penal Code and under Section 3 and 4 of the Protection of Children From Sexual Offences Act, 2012.
- (iii) Bail before trial court.
- (iv) With this Criminal Application is allowed and same is disposed of, accordingly.

(V.M. DESHPANDE, J.)