

FARAD CONTINUATION SHEET NO.

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

CRIMINAL APPLICATION NO. 2864 OF 2015
[Sunil s/o Shriram Maukhede 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 Prakash Patil, advocate h/f
Shri P.B.Patil, advocate for applicant
Shri A.S.Shinde, A.P.P. for respondent

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CORAM : V.M.DESHPANDE, J.
DATED : 1st July, 2015

PER COURT :-

- 1] This is an application for bail, since the applicant is arrested in connection with Crime No.87 of 2014, registered with Police Station Adawat, Taluka Chopda, District Jalgaon, for the offences punishable under Sections 363, 366(A), 354 of the Indian Penal Code and under Sections 7, 8, 12 of the Protection of Children from Sexual Offences, Act, 2012.
- 2] I have heard Shri Shri Prakash Patil, advocate h/f Shri P.B.Patil, learned counsel for applicant and Shri A.S.Shinde, Additional Public Prosecutor for respondent.
- 3] In the present matter, 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 Raju Ganpat Choudhari, who is the father of the prosecutrix. According to the first information report, though prosecutrix is minor, is married with one Jitendra Hilal Patil. According to the first information report and prosecution case, Nagesh, the brother of the prosecutrix, and the prosecutrix, when were

proceeding, that time present applicant took them on his motor cycle to the house of one Mangalabai. Nagesh was asked to stay there and thereafter the applicant took away the prosecutrix. This happened on 24.11.2014.

5] Statement of the prosecutrix is also recorded. From her statement, it is clear that the prosecutrix was in the company of the present applicant. According to the prosecution, age of the prosecutrix is below the age of extending the consent. Said fact will have to be proved by the prosecution during the course of the trial. However, from the statement of the prosecutrix, it is clear that though prosecutrix was in the company of the present applicant, at no point of time the applicant has taken disadvantage of the said situation. Her statement further reveals that at no point of time the prosecutrix was subjected to sexual atrocities at the hands of the present applicant. In view of such statement and in view of the fact that charge sheet is already filed and the applicant is in jail from 14.1.2015, he needs to be released on bail. Hence I pass following order.

ORDER

- (i) Criminal Application is allowed.
- (ii) Applicant-Sunil s/o Shriram Maukhede be released on bail, in connection with Crime No.87 of 2014, registered with Police Station Adawat, Taluka Chopda, District Jalgaon, for the offences punishable under Sections 363, 366(A), 354 of the Indian Penal Code and under Sections 7, 8, 12 of the Protection of Children from Sexual Offences, Act, 2012, on he executing P.R. bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- (iii) Bail before the trial court.

(iv) The applicant shall not pressurize the prosecutrix or her parents in any manner whatsoever.

(v) Application is disposed of.

(V.M.DESHPANDE, J.)

dbm/crap2864.15