

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO. 2960 OF 2015

Yashwant Soma Bhojane
Age 24, Occupation: Labour
R/o Shirasgaon Dhupe,
Taluka Sangamner Dist. Ahmednagar

... **Applicant**

Versus

The State of Maharashtra

... **Respondent**

Mr. S. T. Shelke, Advocate for the applicant
Mrs. S. G. Chincholkar, APP for the Respondent-State.

CORAM : V. M. DESHPANDE, J.

DATE : 29th June, 2015

PER COURT :

1. The present application is filed for bail since the applicant is arrested in connection with Crime No. I-137/2015 registered with Police Station Akole, District Ahmednagar for the offences punishable under Sections 363, 376 of the Indian Penal Code, 1860.
2. Heard Mr. S. T. Shelke, learned counsel for the applicant and Mrs. S. G. Chincholkar, learned Additional Public Prosecutor for the State.
3. Investigating Agency has completed the entire investigation and the charge sheet is also filed.

4. The prosecutrix was residing in a Hostel. The first information report was lodged by Rekha Kailas Pawar, Rector of the said Hostel. According to the first information report, it was noticed that on 04.012.2014, the prosecutrix has left the hostel by making note in the register that she is going to Agasti College. However, she did not return and it was also noticed that from 04.12.2014 the present is applicant also missing from the village. According to the prosecution the prosecutrix is below the age of extending consent. Statement of prosecutrix would show that she was in love since last two years with the present applicant. The question of her age will be ultimately determined during the trial and the burden will be on the part of the prosecution to prove that the prosecutrix is below the age of extending consent. However, since the entire investigation is over and the applicant is in jail since 08.01.2015, applicant not to be continued to remain in jail. That leads me to pass following order:

O R D E R

- i. Criminal Application No. 2960 of 2015 is allowed.
- ii. Applicant Yashwant Soma Bhojane shall be released on bail bail in connection with Crime No. I-137/2015 registered with Police Station Akole, District Ahmednagar for the offences punishable under Sections 363, 376 of the Indian Penal Code, 1860 on his executing P.R. Bond of Rs.5000/- (Rs. Five

Thousand only) with one solvent surety in the like amount.
Bail before the trial Court.

- iii. With this the application is disposed of.

(V. M. DESHPANDE, J.)

JPC