

FARAD CONTINUATION SHEET NO.

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

CRIMINAL APPLICATION NO. 2970 OF 2015
[Sopan s/o Vitthal Kale 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
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Shri V.B.Jogdand, advocate for applicant
Shri V.H.Dighe, A.P.P. for respondent

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CORAM : V.M.DESHPANDE, J.
DATED : 24th June, 2015

PER COURT :-

- 1] This is an application for regular bail, since the applicant is arrested in connection with Crime No. 184 of 2015, registered at Kranti Chowk police station, Aurangabad, for the offences punishable under Section 376 of the Indian Penal Code and under Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012.
- 2] Heard Shri V.B.Jogdand, learned counsel for the applicant and Shri V.H.Dighe, learned Additional Public Prosecutor for the State.
- 3] The prosecutrix is 17 years of age. She filed first information report with the police station on 11.4.2015, wherein she has stated that she is taking education in a college at Aurangabad. According to the first information report, since June, 2014 she is at Aurangabad for her higher education. That time present applicant, who is known to her, came in her contact and

their contact developed in love affair between them. According to the first information report, the present applicant, on the pretext of marriage, had established the sexual relations with her, due to which she remained pregnant. However, subsequently the present applicant has refused to marry, and therefore, the first information report is lodged.

4] The bail application is opposed by the learned Additional Public Prosecutor Shri V.H.Dighe, on the ground that, charge sheet is not filed in the present case. However, from the investigation papers and from the submissions of the learned Additional Public Prosecutor, it is clear that except filing of the charge sheet, all other investigation is already over. The present applicant is in jail since 11.4.2015. The age of prosecutrix is 17 years, though the said fact is disputed by the learned Additional Public Prosecutor on the basis of the school certificate. During trial, the prosecution will have to establish the exact age of the prosecutrix. Further she is taking education in college. Thus, she was having knowledge of the worldly affairs. Therefore, further custody of the applicant is not warranted. Hence, I pass following order.

ORDER

- (i) Application is allowed.
- (ii) The applicant-Sopan s/o Vitthal Kale be released on bail on he executing P.R. bond in the sum of Rs.20,000/- with two solvent sureties of the like amount, in connection with Crime No. 184 of 2015,

registered at Kranti Chowk police station, Aurangabad, for the offences punishable under Section 376 of the Indian Penal Code and under Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012.

(iii) Bail before the trial court.

(iv) The applicant-Sopan shall not pressurize the prosecutrix in any manner whatsoever.

(v) If it is noticed by the investigating officer that the applicant is tampering with the prosecution case, that will give cause to the investigating officer to file application for cancellation of bail.

(vi) Application is disposed.

(V.M.DESHPANDE, J.)

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