

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

CRIMINAL APPLICATION NO. 2971 OF 2015.

MAHENDRA S/O EKNATH PAWAR.
VERSUS
THE STATE OF MAHARASHTRA.

Appearance =>

Mr. V.B. Jogdand, Advocate for the Applicant.

Mrs. S.G. Chincholkar, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 1st July, 2015.

Per Court :-

Present Criminal Application is filed by the Applicant for grant of regular bail in connection with CR No.158/2014 registered with Police Station, Pachora, District- Jalgaon, for the offences punishable under Section/s 376 (2)(h), 363, 366, 366(b) read with 34 of the Indian Penal Code and under Section/s 3(c), 4 of the Protection of Children from Sexual Offences Act, 2012.

[2] Heard Mr. V.B. Jogdand, learned counsel for the Applicant and Mrs. S.G. Chincholkar, learned Additional Public Prosecutor for the State of Maharashtra.

[3] Investigating agency has completed the entire investigation and already challen is presented in the court of law. First Information Report is lodged by father of the prosecutrix. Date of incident is 29th August, 2014.

According to the First Information Report, from the said date, prosecutrix was not available in his house and it was reported to him that, she was seen in the company of the present Applicant. Though she was unavailable from the house from 29th April, 2014, First Information Report is lodged on 03/09/2014.

Charge sheet contains a letters written by the prosecutrix to the present Applicant. Those are self explanatory. Further the statement of prosecutrix is on recored. It shows that, according to the prosecutrix on the pretext of marriage, the present Applicant has established sexual relations with her. Her statement would reveal that from 29th August, 2014 to 21st September, 2014, they were residing jointly and during that period, the Applicant used to work hard in a Company.

[4] Age of the prosecutrix will have to be proved by the prosecution, during the course of trial; especially looking to the statement and letters which are placed on record, in the charge sheet, and since the Applicant is a young person, therefore, his further custodial presence is not essential.

[5] Looking to the nature of accusation and looking to the fact that charge sheet is already filed, I pass the following order :-

ORDER

- (i) Criminal Application is allowed.
- (ii) Applicant - MAHENDRA S/O EKNATH PAWAR shall be released on regular bail on he executing P.R. Bond of Rs.5,000/- [Rs. Five Thousand.] with one solvent surety in the like amount, in connection with CR No.158/2014 registered with Police Station, Pachora, District– Jalgaon, for the offences punishable under Section/s 376 (2)(h), 363, 366, 366(b) read with 34 of the Indian Penal Code and under Section/s 3(c), 4 of the Protection of Children from Sexual Offences Act, 2012.
- (iii) Bail before trial court.
- (iv) The Applicant shall not influence the prosecutrix or any of her family member.
- (v) With this Criminal Application is allowed and same is disposed of, accordingly.

(V.M. DESHPANDE, J.)