

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

CRIMINAL APPLICATION NO. 3048 OF 2015.

PRAKASH S/O YOSEF WAGHMARE
VERSUS
THE STATE OF MAHARASHTRA.

Appearance =>

Mr. Shaikh Mazhar A. Jahagirdar, Advocate for the Applicant.

Mrs. Pratibha Bharad, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 17th July, 2015.

Per Court :-

Present Criminal Application is filed by the Applicant for grant of regular bail in connection with CR No.I 19/2015 registered with Police Station, Shrirampur (City), Taluka – Shrirampur, District – Ahmednagar for the offences punishable under Section/s. 363, 366, 366(a), 376(2)(n) of the Indian Penal Code and under Section 4, 5(1), 6 of the Protection of Children from Sexual Offences Act, 2012.

[2] Heard Mr. Shaikh Mazhar A. Jahagirdar, learned counsel for the Applicant and Mrs. Pratibha Bharad, learned Additional Public Prosecutor.

[3] The Applicant is arrested on 02/02/2015. Investigation is already over. Charge sheet is already filed before the court of law.

[4] According to the First Information Report, it is alleged by father of the prosecutrix that present Applicant was having love affair with the prosecutrix and said fact was disclosed by the first informant alongwith Sarpanch of Village to the parents of the present Applicant. The First Information Report further states that on 27/01/2015 prosecutrix left the house as usual to attend the college however till 3 O'clock since she did not return from the college, therefore, search was made in the village however, the prosecutrix was not found, therefore, on 31/01/15 First Information Report was lodged against the present Applicant alleging that he has taken away the prosecutrix.

[5] Prosecutrix has returned on 2nd February, 2015. Statement of prosecutrix is also recorded. According to the prosecutrix, her age is 17 years. Thus, it is clear that, she has attended at least age of understanding. Further from her statement, it is clear that she and the present Applicant used to work on the machine of Sharad. Thus, it is crystal clear that ample opportunity was available to the prosecutrix to lodge the report or complaint against the present Applicant however, she did nothing.

[6] Investigation is already over. The Applicant is languishing in jail since 02/02/15. Applicant is also of tender age. There is no criminal antecedents against the present Applicant. There is no possibility that in near future, Sessions Case of the Applicant is being taken for its trial. That leads me to pass the following order :-

ORDER

(i) Criminal Application is allowed.

(ii) Applicant - PRAKASH S/O YOSEF WAGHMARE 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.I 19/2015 registered with Police Station, Shrirampur (City), Taluka – Shrirampur, District – Ahmednagar for the offences punishable under Section/s. 363, 366, 366(a), 376(2)(n) of the Indian Penal Code and under Section 4, 5(1), 6 of the Protection of Children from Sexual Offences Act, 2012.

(iii) Bail before trial court.

(iv) Applicant shall not in any way tamper with the prosecution case.

(v) With this Criminal Application is allowed and same is disposed of, accordingly.

(V.M. DESHPANDE, J.)