

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 3469 OF 2015

Dattatraya @ Kiran s/o Uttam Chavan **APPLICANT**

V E R S U S

The State of Maharashtra **RESPONDENT**

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Mrs. Uma S.Bhosale, Advocate for Applicant.

Mr. A.S.Shinde, A.P.P. for Resp. – State.

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CORAM : V.M.DESHPANDE, J.

DATE : 17th JULY, 2015

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PER COURT :

1. This is an application for grant of bail. Applicant is arrested in connection with Crime No. 47/2015 registered with Ambajogai [Rural] police station, District Beed for the offences punishable u/s 376 (2) (H), 363 of the Indian Penal Code and u/s 4 of Protection of Children from Sexual Offences Act, 2012.

2. Heard Mrs. Uma S.Bhosale, learned counsel for the applicant and Mr. A.S.Shinde, learned A.P.P. for respondent – State.

3. Investigating Officer has already completed the investigation and challan is produced. F.I.R. is lodged by the father of the prosecutrix. According to the investigation papers available in the charge sheet and according to the prosecutrix herself, her age is 17 years. Thus, though the prosecutrix is minor, she has attained the age of sufficient understanding. According to F.I.R., prosecutrix was not found in the house as it was reported to him by his wife. Thereafter it was made known to the first informant by one Younus Shaikh that the prosecutrix is being taken away by the applicant in the auto rickshaw. Applicant and the prosecutrix were searched in the village of the applicant. However, they were not found there. On 06/05/2015, prosecutrix returned to her house. That time it was disclosed to the first informant that she was taken by the applicant.

4. When the prosecutrix was not available in the house from 27/04/2015 till 06/05/2015, matter was not reported to the police. Further, during the course of the investigation, statement of the prosecutrix is recorded. Her statement clearly reveals that she is a girl who has attained the age of understanding and she was in love with the applicant. Due to two different religion, it was not possible for them to marry. Therefore, she left the company of her parents.

5. Investigation is already over. Applicant is in jail since 06/05/2015. Further, it is clear that in the near future there is no possibility of the Sessions Trial is being taken up by

the learned trial court. In that view of the matter, applicant can be released on bail on certain conditions. That leads me to pass the following order.

- (i) Present Criminal Application is hereby allowed.
- (ii) Applicant Dattatraya @ Kiran s/o Uttam Chavan be released on bail in connection with Crime No. 47/2015 registered with Ambajogai [Rural] police station, District Beed for the offences punishable u/s 376 (2) (H), 363 of the Indian Penal Code and u/s 4 of Protection of Children from Sexual Offences Act, 2012 on he executing P.R. Bond of Rs. 15,000/- [Rupees Fifteen Thousand] with one solvent surety of like amount. Bail before the trial Court.
- (iii) Applicant Dattatraya @ Kiran s/o Uttam Chavan shall attend Ambajogai [Rural] police station once in a fortnight preferably on every Sunday between 3.00 – 5.00 p.m. till the charge is framed by the learned trial Court.
- (iv) Applicant Dattatraya @ Kiran s/o Uttam Chavan shall not pressurize the prosecutrix or any of her family member.

- (v) With these observations, Present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]

KNP/Cr.Apln. 3469.2015