

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

CRIMINAL APPLICATION NO. 3500 OF 2015.

SHAIKH RAFIK S/O SHAIKH JILANI.
VERSUS
THE STATE OF MAHARASHTRA.

Appearance =>

Mr. Uma S. Bhosale, Advocate for the Applicant.

Mr. D.V. Tele, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 23rd July, 2015.

Per Court :-

Present Criminal Application is filed by the Applicant for grant of regular bail in connection with CR No.12/2015 registered with Police Station, Sirsala, District – Beed for the offences punishable under Section/s 363, 366, 376 of the Indian Penal Code and under Section 4 of the Protection of Children from Sexual Offences Act, 2012.

[2] Heard Mrs. Uma S. Bhosale, learned counsel for the Applicant and Mr. D.V. Tele, learned Additional Public Prosecutor for the State.

[3] Investigation is over. Charge Sheet is already filed on record. The First Information Report is lodged by Sanjay Banshi

Pawar, father of the prosecutrix that on 2nd March, 2015 at 2.30 hrs. in the night, his wife Anita informed him that the prosecutrix is not there in the house, therefore, enquiry was made.

[4] According to the First Information Report, prosecutrix was having cell phone with her. When the First Informant tried to contact her on her cell phone, on number of occasions, it was found that, call on the said cell phone of the prosecutrix was not responding.

[5] In the First Information Report, suspicion was raised against the present Applicant. During the course of investigation, statement of the prosecutrix is recorded. On the basis of said statement, the learned Additional Public Prosecutor has submitted that, marriage of the prosecutrix was fixed with some other person by her parents; however, she was not liking the said person, therefore, she ran away with the present Applicant.

[6] According to the prosecution, the prosecutrix is minor. The issue of age has to be proved conclusively by the prosecution during the course of trial. However, looking to the fact that, the Charge Sheet is already filed and the present Applicant is in jail since 22/03/2015, the Applicant can be released on bail. That leads me to pass the following order :-

ORDER

- (i) Criminal Application is allowed.
- (ii) Applicant - SHAIKH RAFIK S/O SHAIKH JILANI shall be released on regular bail on he executing P.R. Bond of Rs. 10,000/- [Rs. Ten Thousand.] with one solvent surety in the like amount, in connection with CR No.12/2015 registered with Police Station, Sirsala, District – Beed for the offences punishable under Section/s 363, 366, 376 of the Indian Penal Code and under Section 4 of the Protection of Children from Sexual Offences Act, 2012.
- (iii) The Applicant shall attend Police Station, Sirsala, District – Beed once in a fortnight, preferably on every Sunday, between 3.00 to 5.00 p.m., till Charge is framed.
- (iv) Bail before trial court.
- (v) With this Criminal Application is allowed and same is disposed of, accordingly.

(V.M. DESHPANDE, J.)