

FARAD CONTINUATION SHEET NO.

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

CRIMINAL APPLICATION NO. 3751 OF 2015**[Mandabai Shivaji Pandhare and another 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

Shri A.R.Devakate, advocate for applicants
Smt. Pratibha Bharad, A.P.P. for respondent

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CORAM : V.M.DESHPANDE, J.**DATED : 28th July, 2015****PER COURT :-**

- 1] This is an application for regular bail.
- 2] The applicants are arrested in connection with Crime No. 73 of 2015, registered with Bhoom Police Station, District Osmanabad, for the offences punishable under Sections 336, 366A r/w 34 of the Indian Penal Code.
- 3] Heard Shri A.R.Devakate, learned counsel for the applicant and Smt. Pratibha Bharad, learned Additional Public Prosecutor for the respondent/State.
- 4] The applicants are arrested on 1.7.2015. The first information report is lodged by Suresh the father of the prosecutrix. According to the prosecution, the age of the prosecutrix is 14 years.

The first information proceeds that on 30.7.2015 when it was found that the prosecutrix was not available in the house, therefore, the first informant started search for her. That time, applicant no.2 Shivaji informed him that his daughter is with his son Shubham. It is to be noted that Shubham is also minor. Thereafter, the first informant had been to the house of the applicants, however, there he could

not notice the presence of the prosecutrix.

5] The statement of the prosecutrix is also recorded. Her statement does not disclose that Shubham, the main accused, who is also minor, has not taken any disadvantage of the prosecutrix. There is no allegation that Shubham has established any sexual relations with the prosecutrix.

From the statement of the prosecutrix, it is clear that both the prosecutrix and Shubham, though were minor, decided to marry in between them and they ran away. There is nothing available on record to show that at any point of time the present applicants have instigated and/or extended any help to their son. That leads me to pass following order.

ORDER

- (i) Criminal Application is allowed.
- (ii) Applicant No.1-Mandabai w/o Shivaji Pandhare and applicant no.2-Shivaji s/o Vitthal Pandhare, be released on bail, in connection with Crime No. 73 of 2015, registered with Bhoom Police Station, District Osmanabad, for the offences punishable under Sections 336, 366A r/w 34 of the Indian Penal Code, on they each executing P.R. bond of Rs.10,000/- with one solvent surety in the like amount by each of them.
- (iii) Bail before the trial court.
- (iv) Criminal Application is disposed of.

(V.M.DESHPANDE, J.)

dbm/crap3751.15