

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

CRIMINAL APPLICATION NO. 3763 OF 2015.

MAHENDRA BHARATSINGH GIRASE.
VERSUS
THE STATE OF MAHARASHTRA.

Appearance =>

Mr. C.R. Deshpande, Advocate for the Applicant.

Mr. V.H. Dighe, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 3rd August, 2015.

Per Court :-

Present Criminal Application is filed by the Applicant for grant of regular bail in connection with CR No.4/2015 registered with Police Station, Sarangkheda, Taluka – Shahada, District - Nandurbar for the offences punishable under Section/s. 376, 363, 366(a) read with 34 of the Indian Penal Code and under Section 3(1)(xii) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and under Section/s 5(V) and 6 of the Protection of Children from Sexual Offences Act.

[2] Heard Mr. C.R.Deshpande, learned counsel for the Applicant and Mr. V.H. Dighe, Additional Public Prosecutor for the State of Maharashtra.

[3] Prior to filing of the charge sheet, the Applicant has approached before this court however, at that time, he has withdrawn the Application in order to avail the opportunity to file bail application before the trial court, after filing of the charge sheet.

After filing of the charge sheet, Application for grant of regular bail was again rejected by the learned trial court, giving the cause the Applicant has approach before this Court again.

[4] Even according to the prosecution case, age of the prosecutrix is 17 years and 9 months. Thus, she is at the verge of attaining the age of majority. Surely, she has attained the age of understanding. First Information Report is lodged by mother of the prosecutrix. The prosecutrix and her mother used to work in the agricultural field of father of the present Applicant. It appears from the prosecution case that, during that time, love was developed in between the Applicant and the prosecutrix and according to the prosecution, by giving promise of marriage, the present Applicant has ravished the prosecutrix.

[5] Charge sheet is filed. Investigation is over. Looking to the fact that, the prosecutrix was already at the verge of attaining the age of majority, at the time of offence further custodial presence of present Applicant is not warranted. That leads me to pass the following order :-

ORDER

- (i) Criminal Application is allowed.
- (ii) Applicant - MAHENDRA BHARATSINGH GIRASE 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.4/2015 registered with Police Station, Sarangkhedha, Taluka – Shahada, District - Nandurbar for the offences punishable under Section/s. 376, 363, 366(a) read with 34 of the Indian Penal Code and under Section 3(1)(xii) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and under Section/s 5(V) and 6 of the Protection of Children from Sexual Offences Act.
- (iii) The Applicant shall attend Police Station, Sarangkhedha, Taluka – Shahada, District - Nandurbar once in a fortnight, preferably on every Sunday, between 3.00 p.m. to 5.00 p.m., till charge is framed by the trial court.
- (iv) The Applicant shall not intimidate the prosecutrix or any of her family members.
- (v) With this Criminal Application is allowed and same is disposed of, accordingly.

(V.M. DESHPANDE, J.)