

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

CRIMINAL APPLICATION NO. 3829 OF 2015

Rohidas Prakash Chavan	.. APPLICANT
Versus	
State of Maharashtra	.. RESPONDENT
...	

Shri V.B.Patil, Advocate for applicant
Smt.S.G.Chincholkar, APP for respondent State
...

**CORAM : V.M.DESHPANDE, J.
DATED : 4TH AUGUST, 2015**

ORDER :-

This is an application for bail. The applicant is arrested in connection with Crime No.36/15 registered at Bhadgaon police station, Dist.Jalgaon for the offences punishable u/s 363, 366-A, 376(2) (h)(m) of IPC and u/s 4, 5(1), 6 of the Protection of Children from Sexual Offences Act.

2] I have heard Shri V.B.Patil, learned counsel for applicant and Smt.Chincholkar, learned APP for respondent State.

3] The investigating agency has already completed its entire investigation and the charge sheet is already filed.

4] Prior to filing of charge sheet also present applicant filed

application before this Court being Criminal application No.2655/15, however, applicant withdrew the said application with liberty from this Court to file bail application afresh before learned trial Court after filing of the charge sheet. After filing of the charge sheet, when the application for bail was filed before trial Court, the same is also rejected, therefore, the present application

5] The FIR is lodged by father of the prosecutrix. His name is Kailash. From the FIR and from the statement of the prosecutrix, it is clear that the prosecutrix at the relevant time was taking education in 11th standard and she was doing up and down from her village Pimpri to Bhadgaon. She is a student of one college at Bhadgaon. According to the material appearing in the charge sheet, the prosecutrix has already attained age of understanding. From the statement of the prosecutrix, it is clear that the applicant and the prosecutrix left for Delhi, they stayed there for 2-3 days. There, they spent amount of Rs.2000/-.

6] No doubt it is true that the prosecutrix is minor, however, at the same time the Court cannot forget that she has already attained age of understanding. She was taking education at college. Further, the charge sheet is already filed. Investigation is over, applicant is in jail since 8/4/2015. It is also informed to the Court that though the case is registered as Special Case No.26/15, there is no progress in the said case and in the near future there is no possibility of trial being taken. In that view of the matter, applicant can be released on bail on imposing certain conditions. Hence I pass following order :

ORDER

A] Application is allowed. Applicant Rohidas Prakash

Chavan be released on bail in connection with Crime No.36/15 registered at Bhadgaon police station, Dist.Jalgaon for the offences punishable u/s 363, 366-A, 376(2) (h)(m) of IPC and u/s 4, 5(1), 6 of the Protection of Children from Sexual Offences Act, on he executing PR bond of Rs.25,000/- with two solvent sureties in the like amount. Bail before trial Court.

B] The applicant shall attend police station Bhadgaon once in a fortnight preferably on every Sunday in between 10 a.m. to 12 p.m. till the culmination of trial. The applicant shall not cause to give any threat to prosecutrix or her family members.

C] With these, application is allowed and disposed of.

(V.M.DESHPANDE,J.)

umg/