

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

CRIMINAL APPLICATION NO.4004 OF 2015

Lalit s/o Liladhar Gorde,
Age 22 years, Occu. Labur,
R/o Annabhau Sathenagar,
Bhusawal, Taluka Bhusawal,
District Jalgaon

..Applicant

Versus

The State of Maharashtra
(At the instance Bazarpeth
Police Station, Bhusawal,
Taluka Bhusawal and District
Jalgaon in C.R.No.206/2014,
in Special P.C. No.4/2015, for
offences punishable u/s 376
(I) (n) and 354 (d), 506 of
I.P.C. And Section 3, 4 and 5 (I)
of POCSO Act

..Respondent

Mr N.R. Shaikh, Advocate for applicant
Mrs B.B. Gunjal, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 21st August 2015

PER COURT

Heard.

2. The present application is by the accused seeking regular bail in connection with Crime No.206/2014 registered at Bhusawal Bazar Peth Police Station, Taluka Bhusawal, District Jalgaon pursuant to F.I.R. dated 17th September 2014.

3. The investigation in the matter is complete and a charge-sheet is already filed.

4. It is the case of the prosecution that the applicant herein has committed offence under Sections 376 (1) (n), 354-D, 506, read with Section 34 of the Indian Penal Code and offence under Section 3, 4 and 5 (L) of the Protection of Children from Sexual Offences Act.

5. According to prosecution, the present applicant has promised to marry the prosecutrix Kum. Jamna and has committed sexual intercourse on 2nd July 2014.

6. The complaint came to be lodged in regard to the said offence on 17th September 2014.

7. The prosecution during investigation has recorded statements of mother of the prosecutrix so as to establish the guilt along with the office bearers of the social organisation to which the applicant belongs. Apart from above, the report of the Chemical Analyzer does not reflect any adverse evidence, apart from no external injuries to the complainant.

8. Leave apart the age of the present complainant is around 16 years, there is delay of almost two months in lodging the F.I.R.

9. It is required to be noted here that the medical examination of the complainant does not reflect of any forcible sexual intercourse and there is no other evidence available on record to draw appropriate conclusion as against the present applicant at this stage.

10. In view of above, it will be appropriate, in my opinion to release the applicant on bail. As such, I proceed to pass the following order.

11. The applicant Lalit Liladhar Gorde be released on bail in connection with Crime No.206/2014 registered at Bhusawal Bazar Peth Police Station, Taluka Bhusawal, District Jalgaon, upon furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

12. The applicant shall not enter the jurisdiction of Taluka Bhusawal, except for the present matter.

13. Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

vvr