

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

CRIMINAL APPLICATION NO. 4063 OF 2015.

GANESH S/O BALASAHEB SHELKE & OTHERS.
VERSUS
THE STATE OF MAHARASHTRA.

Appearance =>

Mr. Satyajeet S.Dixit, Advocate for the Applicants.

Mr. A.S. Shinde, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 13th August, 2015.

Per Court :-

Present Criminal Application is filed by the Applicants for grant of regular bail in connection with CR No.I 47/2015 registered with Police Station, Sangamner Taluka, Taluka – Sangamner, District – Ahmednagar for the offences punishable under Section/s. 363, 366(A), 376 of the Indian Penal Code and under Section/s 3(A) and 4 of the Protection of Children from Sexual Offences Act, 2012.

[2] Heard Mr. Satyajeet S.Dixit, learned counsel for the Applicants and Mr. A.S. Shinde, learned Additional Public Prosecutor for the State of Maharashtra.

[3] In the present case, there are two prosecutrix. They are referred as Prosecutrix No.1 and Prosecutrix No.2, in the present order.

Statement of Prosecutrix No.1 shows that, her age is 16 years and she was in love with Applicant No.1; where-as statement of Prosecutrix No.2 also shows that, her age is 16 years and she was in love with Applicant No.2.

[4] Both the Applicants are of 19 years of age and they are student. Further, both the Prosecutrix have already attended the age of understanding. Further their statement/s do not reveal, at least prima facie that sexual intercourse was against their will.

[5] Investigation is already over. Charge Sheet is already filed in the court of law. Looking to the age of the present Applicants and looking to the fact that, investigation is over, further custodial presence of the present Applicants is not necessary. That leads me to pass the following order :-

ORDER

(i) Criminal Application is allowed.

(ii) Applicant No.1– GANESH S/O BALASAHEB SHELKE and Applicant No.2 – BHAUSAHEB @ BHAURAO S/O. KARBHARI MORE shall be released on regular bail on they executing P.R. Bond of Rs. 5,000/- [Rs. Five Thousand.] each with one solvent surety in the like amount, in connection with CR No.I 47/2015 registered with Police Station, Sangamner Taluka, Taluka – Sangamner, District - Ahmednagar for the offences punishable under Section/s. 363, 366(A), 376 of the Indian Penal Code and under Section/s 3(A) and 4 of the Protection of Children from Sexual Offences Act, 2012.

- (iii) Bail before trial court.
- (iv) The Applicants shall not tamper with the prosecution case.
- (v) With this Criminal Application is allowed and same is disposed of, accordingly.

(V.M. DESHPANDE, J.)