

(1)

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

CRIMINAL APPLICATION NO.4077 OF 2015

Aba @ Settesing Manga Thakre ..APPLICANT

VERSUS

The State of Maharashtra ..RESPONDENT

Mr A.S. Savale, Advocate for pplicant;
Mr N.T. Bhagat, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 23st October, 2015

ORAL ORDER :

By the present application under section 439 of the Code of Criminal Procedure, the applicant seeks his release on bail, in connection with C.R. No.14 of 2015, registered with Sarangkhedda police station, Taluka Shahada, District Nandurbar, (now Sessions Case No.35 of 2015), for offences punishable under sections 376 (1) (2) (I), 366 of the Indian Penal Code and sections 3, 4, 5 (L) (J) (2) read with sec. 6 of the Protection of Children from Sexual Offences Act.

2. The investigation in the matter is already completed and charge-sheet is filed. The age of the applicant is 19 years.

3. It is the case of the prosecution against the applicant that he allured the victim Nirmala of marriage and has established physical relationship with her, resulting in she carrying pregnancy. It is not in dispute that on the date of the incident, the age of the victim was fifteen years.

4. Upon perusal of the contents of the first information report and the statement of the victim it reflects that the victim has volunteered to

(2)

establish physical relationship with the applicant and this fact was known to her family members, so also the family members of the applicant.

5. In view of above and particularly in the background of completion of investigation and having regard to the age of the applicant, in my opinion, further detention of the applicant, in the crime in question, is not necessary. Thus, the applicant deserves to be enlarged on bail. I, therefore, pass following order :-

The applicant be released on bail, in connection with C.R. No.14 of 2015, registered with Sarangkhedha police station, Taluka Shahada, District Nandurbar, (now registered as Sessions Case No.35 of 2015), for offences punishable under sections 376 (1) (2) (I), 366 of the Indian Penal Code and sections 3, 4, 5 (L) (J) (2) read with sec. 6 of the Protection of Children from Sexual Offences Act, on furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

amj