

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4222 OF 2015

Sakharam Soma Katade,
Age : 25 years, Occu.: Agriculture,
R/o. Terungan, Taluka Akole,
District Ahmednagar .. Applicant

Vs.

The State of Maharashtra
Through Rajur Police Station,
Taluka Akole, District Ahmednagar .. Respondent

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Mr. S.S. Jadhavar, Advocate for the applicant
Mr. V.P. Kadam, APP for the respondent-State

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CORAM : M.T. JOSHI, J.
DATED : 03/09/2015

ORAL ORDER :

Heard both sides.

2. The present applicant, who is arrested by Rajur Police Station, Tq. Akole, Dist. Ahmednagar in Crime no.I-32 of 2014 for the offences punishable under section 376, 506 of the Indian Penal Code and under section 4, 5(j)(1), 6 of the Protection of Children from Sexual Offences Act, is praying for

his release on bail.

3. On the basis of the chargesheet now Sessions Case No. 51 of 2014 is pending on the file of Additional Sessions Judge at Sangamner. The report called by this Court from the concerned Court would show that, as many old cases and many under-trial prisoner's Sessions cases are pending in the Court, atleast 8 months time would be taken for conclusion of the trial in the present case.

4. His earlier application bearing Criminal Application no. 6069 of 2014 was allowed to be withdrawn by this Court vide order dated 24/11/2014 with liberty to file similar application, in case the trial is not concluded within six months. Hence the present application.

5. F.I.R. of the victim of the offence would show that a 15-16 years old girl was compelled to have forcible sexual relations with the present applicant for a period of two years. When she

conceived because of these relations, the applicant had given certain tablets to her, due to which one month old fetus was aborted. Thereafter also, the applicant, under the threats, continued to have sexual intercourse with the prosecutrix and hence the complaint came to be filed.

6. Learned counsel for the applicant submits that the applicant was arrested on 03/06/2014, trial would take its own time, as detailed by the learned Sessions Judge. The allegations that for a continuous period of two years, under threats, the sexual relations were established, the fetus was aborted and was not even known to the family members of the victim, would show that the applicant is falsely implicated in the offence. In the circumstances, he submits that the application be allowed and the applicant be released on bail.

7. Learned A.P.P. opposed the application. He submits that statement of the prosecutrix would

show that under threats, she was forced to have sexual intercourse with the present applicant.

8. Considering all the facts on record, and finding that the trial may take its own time, in the background of the facts, in my view, the applicant now can be released on bail. Hence, the following order:-

9. Criminal Application is allowed.

10. The applicant be released on bail in Crime no.I-32 of 2014 registered with Rajur Police Station, Taluka - Akole, District - Ahmednagar for the offences punishable under section 376, 506 of the Indian Penal Code and under section 4, 5(j)(1), 6 of the Protection of Children from Sexual Offences Act, upon his executing P.R. bond in the sum of Rs.20,000/- (Rs.Twenty Thousand) and also upon furnishing surety in the like amount.

11. The applicant shall not enter the

territorial limits of village Terungan Shivar,
Taluka - Akole, District - Ahmednagar for a period
of two (2) years, or till the trial is concluded,
whichever occurs earlier without the prior
permission of the concerned Sessions Court.

12. Criminal Application stands disposed of.

[M.T. JOSHI]
JUDGE

arp/-