

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

CRIMINAL APPLICATION NO. 4338 OF 2015

Shaikh Karim Shaikh Usman
@ Madhav Banduji Kshirsagar,
Age: 40 years, Occ: Labour,
R/o. At present Hatkar Galli, Gangakhed,
Tq. Gangakhed, Dist. Parbhani
And
R/o. Sawna, Taluka Sengaoon,
Dist. Hingoli.

...Applicant

versus

The State of Maharashtra,
Through Gangakhed Police Station,
Dist. Parbhani.

...Respondent

.....
Mr. S.S. Gangakhedkar, Advocate for applicant
Mr. S.R. Palnitkar, A.P.P. for respondent
.....

CORAM : N.W. SAMBRE, J.

DATE : 11th SEPTEMBER, 2015

ORAL ORDER :

This is an application for grant of regular bail.

2. The applicant herein was arrested on 08/04/2015 in Crime No. 68/2015 registered with Gangakhed Police Station, Taluka Gangakhed, Dist. Parbhani for the offence punishable under Sections 363, 366(A), 376, 313, 315, 34 of the Indian Penal Code read with Sections 8 and 9 of the Prevention of Child Marriage Act and Section

3, 4, 5(J)(2), 6 of the Protection of Children from Sexual Offences Act.

3. The investigation in the matter is completed and the charge sheet is already filed.

4. The offence came to be registered pursuant to the F.I.R. dated 18/03/2015. The allegations against the applicant are that he has taken away Reshma, minor daughter of Shikh Sajed and after marrying her, has established physical relationship with her.

5. The perusal of investigation papers and the order passed by learned Sessions Judge on 27/07/2015 reflects that step mother of the victim and second wife of the complainant, accused No.2 is already ordered to be released on bail on the similar set of facts.

6. Apart from above, the fact remains that statement under Section 164 of the Code of Criminal Procedure of the victim reflects the voluntary act on her part of going away with the present applicant. As the investigation is completed, no fruitful purpose will be served to detain the applicant, particularly when accused No. 2 is already released on bail.

7. Hence, it is ordered that the applicant be released on bail, upon furnishing P.R.bond of Rs.10,000/- (Rs.Ten thousand) with one surety in the like amount in connection with Crime No. 68/2015 registered with Gangakhed Police Station, Taluka Gangakhed, Dist. Parbhani for the offence punishable under Sections 363, 366(A), 376, 313, 315, 34 of the Indian Penal Code read with Sections 8 and 9 of the Prevention of Child Marriage Act and Section 3, 4, 5(J)(2), 6 of the Protection of Children from Sexual Offences Act.

8. The application is allowed in above terms.

[N.W. SAMBRE, J.]