

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

CRIMINAL APPLICATION NO.5081 OF 2015

Mayur Vasant Mahajan (Sonwane),
Age 28 years, Occu. Business,
R/o Varachi Aali, Nashirabad City,
Taluka and District Jalgaon

..Applicant

Versus

State of Maharashtra

..Respondent

Mr Balbhim Kedar, Advocate h/f Mr P.N. Kutti, Advocate for applicant
Mr N.T. Bhagat, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 13th October 2015

PER COURT

Heard Mr Balbhim Kedar, learned Counsel for the applicant.

2. The applicant was booked in Crime No.89/2015 registered at Devpur Police Station, District Dhule, for the offences punishable under Sections 354-A, 342, 323, 504, 506 read with sec.34 of Indian Penal Code and under Sections 8, 12, 17 of Protection of Children from Sexual Offences Act.

3. Along with the applicant, the other two accused, who are named in the first information report are Paresh Suhas Mudholkar and Pratibha Patil are already arrested.

4. So far as the present applicant is concerned, Mr Kedar would urge that in view of differences in between complainant Sunita, the mother of victim and that of wife of the applicant namely Pratibha has

resulted in registration of false offence. He would urge that the offences for which the applicant is booked are punishable for a period of three years and as such, the applicant be released on bail.

5. Prima facie, from the record it appears that the victim girl remained in the custody of applicant and his wife Pratibha for a period of three days, during which period the offence alleged to have been committed.

6. There is enough evidence available on record, particularly the statement recorded under Section 164 of Cr.P.C. which speaks voluminous about the conduct of the applicant.

7. In view of the fact that this Court is required to be sensitive in the matter of offences punishable under the Protection of Children from Sexual Offences Act, particularly in the matter of grant of pre-arrest bail.

8. In view thereof, no case for grant of pre-arrest bail is made out. Application fails, stands rejected.

(N.W. SAMBRE, J.)

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