

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

CRIMINAL APPLICATION NO. 5268 OF 2015

TALIB S/O BASHIR SHAIKH
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Rahul P. Mote.

APP for Respondent : Mr. A. R. Kale.

...

CORAM : **INDIRA K. JAIN, J.**

DATE : 17th November, 2015.

ORDER:

. Heard Mr. Rahul P. Mote, learned counsel for Applicant and Mr. A. R. Kale, learned APP for State.

2 Applicant is involved in Crime No.I-120 of 2015 registered with MIDC Waluj Police Station, District Aurangabad for the offences punishable under Sections 376 (2) (I), 323 and 506 of the Indian Penal Code, Section 3 (a), 4 of the Protection of Children from Sexual Offences Act, Section 3 (1)(XI) and (XII) and Section 3 (2)(V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3 Incident took place on 15th May, 2015 at around 11:00 am. Prosecutrix being 15 years old girl had been to answer nature's call. It is alleged that Applicant / Accused came to the place, pressed mouth

of prosecutrix, slapped her and committed sexual intercourse with her. Report was lodged on the same day in the evening after arrival of father of prosecutrix.

4 In addition to FIR medical opinion supports the case of prosecution. *Prima-facie* involvement of the Applicant is apparent. Considering the manner of incident, nature of offences alleged and the *modus operandi* of Applicant this Court does not find it fit to exercise judicial discretion. Hence the following order:

ORDER

Criminal Application No.5268 of 2015 stands rejected.

[INDIRA K. JAIN, J.]

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