

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

CRIMINAL APPLICATION NO.5331 OF 2015

Paresh s/o Suhas Mudholkar,
Age 25 years, Occu. Business,
R/o 36, Prashant Nagar,
Biladi Road, Deopur, Dhule

..Applicant

Versus

The State of Maharashtra

..Respondent

Mr N.L. Choudhari, Advocate for applicant
Mr N.T. Bhagat, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 13th October 2015

PER COURT

Heard.

2. This is an application for grant of regular bail. The applicant herein was arrested in Crime No.89 of 2015 registered at Deopur Police Station, District Dhule for offences punishable under Sections 354(A), 342, 323, 504, 506 read with Section 34 of Indian Penal Code and under Sections 8, 12, 13 and 17 of the Protection of Children from Sexual Offences Act.

3. The applicant was arrested on 2nd September 2015.

4. While making out a case for grant of regular bail, learned Counsel for the applicant would urge that the applicant was subjected to P.C.R. and presently, he is under the Magisterial custody. There is nothing left to be recovered from the applicant and as such, the Magisterial custody is not necessary.

5. Apart from above, he would urge that looking to the nature of allegations against the applicant, the involvement of the applicant in the commission of crime in question itself is under the cloud.

6. While opposing the application for grant of bail, learned A.P.P. would urge that the offence for which the applicant is booked is serious. According to him, there is enough material, particularly the statement of the victim recorded under Section 164 of the Cr.P.C. is available on record and as such, prayed for rejection of the application, as according to him, the investigation is still in progress.

7. With the assistance of learned A.P.P. I have perused the case diary and the accusations in the first information report.

8. From the record it appears that the victim is 17 years of age and was in the custody of main accused namely Pratibha, who is already detained.

9. Apart from above, this Court is required to take note that the complainant has not permitted the investigating agency to perform medical examination of the victim girl which is required to be taken into account while considering the present application.

10. In view of above background, in my opinion, the custody of the applicant is not necessary. As such, it will be appropriate to order release of the applicant. Hence, I proceed to pass the following order.

(I) The applicant Paresh son of Suhas Mudholkar, be released on bail in connection with Crime No.89/2015 registered at Deopur Police Station, District Dhule for offences punishable under Sections 354(A), 342, 323, 504, 506 read with Section 34 of Indian Penal Code and under Sections 8, 12, 13 and 17 of the Protection of Children from Sexual Offences Act, upon furnishing P.R. Bond of Rs.10,000/- (Rs. Ten thousand) with one surety in the like amount;

(II) The applicant shall keep himself away from the jurisdiction of concerned Police Station till filing of the charge-sheet.

11. Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

vvr