

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

CRIMINAL APPLICATION NO. 5432 OF 2015

Sunil Gokul Thombre,
R/o. At/post Kaluchiwadi, Tq.Kaij,
Dist. Beed.

...Applicant

versus

The State of Maharashtra.

...Respondent

...
Mr. J.K. Bansod, Advocate for applicant
Mr. G.O. Wattamwar, Addl. Public Prosecutor for respondent/State
...

CORAM : N.W. SAMBRE, J.

DATE : 20th OCTOBER, 2015

ORAL ORDER :

The applicant is seeking regular bail in Crime No. 99/2015 registered at Dharur Police Station, Tq. Dharur, District Beed for an offence punishable under Sections 363, 366(A), 376(2)(i) of the Indian Penal Code and under Section 3,4,5 of the Protection of Children from Sexual Offences Act, pursuant to the incident dated 07/08/2015.

2. It is the case of prosecution that the daughter of complainant by name Kalpana, was already married to Vilas.

3. The fact is apparent from the record that daughter

Kalpana was married to Vilas when she was minor. Leave apart, the applicant, who is seeking regular bail, would urge that the applicant is falsely implicated in crime in question, as the victim aged 17 years of age, has developed relations with present applicant when the applicant was working as driver with her maternal uncle and as such developed love for him. In her statement, she has volunteered to state that after developing love relations with the applicant, after her marriage, she had physical relations with him voluntarily and as per her wish. In the said statement, she further stated that, while she was staying with applicant, her mother tried to take her away, which attempt was unfruitful as she resisted same as is apparent from her statement. The only conclusion is that victim was in love with applicant.

4. In the light of above, the applicant, who is behind the bars since 10/08/2015, is entitled for relief. Upon perusal of the investigating papers, it reflects that investigation is almost at concluding stage. In view thereof, no fruitful purpose will be served in detaining the applicant.

5. In view thereof, it will be appropriate, in my opinion, to order the release of the applicant on bail. Hence, I pass following order.

The applicant be released on bail, upon executing P.R. bond of Rs.15,000/- (Rs. Fifteen thousand) with one surety in the like amount, in connection with Crime No. 99/2015 registered at Dharur Police Station, Tq. Dharur, District Beed for an offence punishable under Sections 363, 366(A), 376(2)(i) of the Indian Penal Code and under Section 3,4,5 of the Protection of Children from Sexual Offences Act.

6. The application stands allowed.

[N.W. SAMBRE, J.]

Tupe/20.10.15