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

CRIMINAL APPLICATION NO.5556 OF 2015

Ambadas @ Somnath Rambhau Kale ..APPLICANT

VERSUS

The State of Maharashtra ..RESPONDENT

Mr N.V. Gaware, Advocate for applicant
Mr S.N. Morampalle, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 28th October, 2015

ORAL ORDER :

By the present application, the applicant seeks his enlargement on bail, in the event of arrest, in connection with C.R. No.I-143 of 2015, registered with Shevgaon police station, Dist. Ahmednagar, for offences punishable under sections 376, 363, 366 read with sec. 34 of the Indian Penal Code and sections 3 and 4 of the Protection of Children from Sexual Offences Act.

2. Perused the investigation papers, particularly the statement of the victim, recorded under section 164 of the Code of Criminal Procedure.

3. There appears to be love relations of the victim with the present applicant, resulting into registration of the above referred crime.

4. Though the victim, at the relevant time was minor, yet this Court cannot lose sight of the fact that the age of the victim, at the relevant time was more than fifteen years and she has voluntarily spent long time with the applicant. As such, there appears to be a case of consent.

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5. Apart from above, it is required to be noted that the investigation in the matter is at advanced stage and there is no use of external injury against the victim, as is apparent from the medical papers.

6. In view of above, in my opinion, it will be appropriate to grant pre-arrest bail to the applicant. I, therefore, pass following order :-

In the event of arrest of the applicant, in connection with C.R. No.I-143 of 2015, registered with Shevgaon police station, Dist. Ahmednagar, for offences punishable under sections 376, 363, 366 read with sec. 34 of the Indian Penal Code and sections 3 and 4 of the Protection of Children from Sexual Offences Act, he be released on bail, on furnishing P.R. Bond of Rs.20,000/- with one surety in the like amount.

The applicant shall attend the concerned police station initially for three days, i.e. from 2nd November, 2015 to 4th November, 2015, between 10.00 a.m. and 11.00 a.m. and thereafter as and when called by the Investigating Officer.

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

amj