

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 6267 OF 2014

Kanhaiya s/o. Gopilal Joshi
(Rohit Gopilal Joshi)

....Applicant.

Versus

The State of Maharashtra

....Respondent.

Mr. Amit Yadkikar, Advocate for applicant.

Mr. R.P. Phatke, APP for State.

CORAM : T.V. NALAWADE, J.
DATED : 7th January, 2015.

ORDER :

1. The application is filed for bail. Both the sides are heard. This Court has perused the papers of investigation.

2. Chargesheet is filed for offences punishable under section 366 (A), 376 (2) (i) of I.P.C. and section 4 of Protection of Children From Sexual Offences Act. Crime was registered on the basis of report given by prosecutrix. She has given her age as 15 years. She has contended that she was given in marriage prior to two months from the date of incident. But, her marriage was performed when she had not consented to it and so, she had

abandoned the parents and she had left the house of parents also. It is her case that she was living with one Sunita of Latur at the relevant time. It is her case that on 16.6.2014 when she went to a food stall, present applicant, who sells Bhel, took her forcibly from there to his room and there he committed rape on her. It is her case that she escaped from that place somehow on 16.6.2014 and she stayed in the house of Amar and Sachin up to 22.6.2014. It is her case that the applicant came there also and he started harassing her and so she gave report dated 23.6.2014.

3. There are some statements of witnesses like Sachin. There is record like medical examination. This Court is avoiding to discuss that material. As per the record of medical examination, no marks of injury were found on the person of prosecutrix. In the reply affidavit, it is contended that the prosecutrix is complaining that the mother of the applicant is trying to influence her.

4. The applicant has been behind bars since 23.6.2014. It is not certain as to how much time will be required for completion of the trial.

5. In view of the aforesaid circumstances, the application is allowed. The applicant is to be released on bail on his furnishing PR and SB of Rs. 15,000/- (Rupees fifteen thousand). He is not to tamper the prosecution witnesses. He is not to enter the locality where the prosecutrix is living.

[T.V. NALAWADE, J.]

SSC/