

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO.6466 OF 2014

Vakil @ Pintya Gopichand Rathod ..Applicant

Versus

The State of Maharashtra ..Respondent

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Mr.Joydeep Chatterji, advocate for applicant

Mr.S.R.Palnitkar, APP for respondent - State

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CORAM : M.T. JOSHI, J.

DATE : JANUARY 08, 2015

PER COURT :

Heard both sides.

2] Present applicant, who is arrested in Crime No.157 of 2013 registered with Selu Police Station, Dist.Parbhani for the offences punishable under Section 363, 366-A, 376(2)(F)(H), 506 read with 34 of Indian Penal Code and Sections 5, 6(N) and 17 of the Protection of Children from Sexual Offences Act out of which, now Special Case No.3 of 2014 is pending on the file of learned Special Judge, Parbhani, is praying for release on bail.

3] The F.I.R. would show that present applicant had, on 14th October, 2013, seduced his own sister-in-law who was fourteen years old and thereafter, had committed forcible sexual intercourse with her.

4] Learned counsel for the applicant submits that the applicant is behind the bars since 23rd October, 2013. The earlier application filed by the applicant bearing Criminal Application No.2318 of 2014 before this Court, was allowed to be withdrawn by order dated 30th July, 2014 with liberty to file the similar application in case, the trial is not concluded within four months. Mr.Chatterji submits that the applicant is falsely involved due to the dispute between the relatives. He is permanent resident of village Khorad Sawangi. In the circumstances, he submits that the applicant may be released on bail.

5] Learned A.P.P. opposes the application.

6] Perused the case papers. The fresh report called from the Special Judge would show that the trial is yet to begin and according to the learned Special Judge in case, the witnesses are brought promptly the trial may take at least three months for conclusion.

7] Considering the fact that present applicant is behind the bars for a period more than fifteen months and that the trial may take its own time, in my view, the applicant can be released on bail on certain conditions.

8] Hence, the following order :-

a] Criminal Application is allowed;

b] The applicant be released on bail in Crime No.157 of 2013 registered with Selu Police

Station, Dist.Parbhani for the offences punishable under Section 363, 366-A, 376(2)(F)(H), 506 read with 34 of Indian Penal Code and Sections 5, 6(N), 17 of the Protection of Children from Sexual Offences Act out of which, Special Case No.3 of 2014 is pending on the file of learned Sessions Judge, Parbhani, on his executing P.R. Bond in the sum of Rs.20,000/- (Rs.Twenty Thousand) and also upon furnishing surety in the like amount;

c] The applicant shall not enter the territorial limits of Taluka Jintur where the prosecutrix reside till conclusion of the trial without prior permission from the concerned court.

d] The applicant shall not in any way attempt to influence the prosecution witnesses.

[M.T. JOSHI, J.]

kbp