

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

931. CRI.APPLN/6962/2014

BALU @ AMOL SOPAN SARWADE
V/S
THE STATE OF MAHARASHTRA

Mr. V.B. Deshmukh, Advocate for applicant.

Mr. M.M. Nerlikar, APP for State.

CORAM : T.V. NALAWADE, J.
DATED : 9th January, 2015.

ORDER :

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

2. The crime is registered on the basis of report given by prosecutrix, who has given her age as 13 years. The applicant/accused hails from her village. She has made allegations that on 15.10.2013 at about 7 p.m. when she had gone to lonely place to answer the nature's call, the applicant came there and raped her and he had also given threat so that she does not disclose the incident to anybody. As she was crying, inquiry was made and report was given by the prosecutrix. Crime was registered against the applicant for the offences punishable under section 376 of I.P.C., section 3 (1) (11) (12) of

SC and ST Prevention of Atrocities Act and sections 4 and 6 of the Protection of Children from Sexual Offences Act.

3. This Court has perused the record of investigation which include the record of medical examination. No injury whatsoever was found on the person of prosecutrix. In view of the age of the prosecutrix and aforesaid record, this Court holds that it is not desirable to keep the applicant behind bars till the disposal of the case. He has been behind bars since October 2014.

4. In the result, 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 commit similar offence. He is not to enter the village of the prosecutrix viz. Shingoli till the disposal of the case.

[T.V. NALAWADE, J.]

ssc/