

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

CRIMINAL APPLICATION NO.38 OF 2016

Gaurav Pandurang Paithankar,
Age 20 years, Occu.Labour,
R/o Shikshak Colony, Pathardi,
District Ahmednagar

..Applicant

Versus

The State of Maharashtra

..Respondent

Mr Satej S. Jadhav, Advocate for applicant
Mr K.D. Munde, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 21st January 2016

PER COURT

Heard.

2. The applicant is seeking regular bail in Crime No.I-371 of 2015, registered at Police Station, Pathardi, District Ahmednagar, for the offences punishable under Sections 354-A (5), 366-A, 341, 323, 504, 511 read with sec.34 of Indian Penal Code and under Sections 7, 8, 11 (4) and 12 of the Protection of Children from Sexual Offences Act.

3. The prosecution story is that the applicant along with other three accused of which two are minors have committed an offence by assaulting the complainant and her maternal uncle.

4. Subsequently, victim Geeta after registration of crime has absolved in her statement, accused viz. Ashish Vilas Pawar, whose vehicle is claimed to have been used in the present crime. As a consequence, Ashish is not arrested by the investigation agency.

5. While trying to make out the case for bail, Mr Jadhav, learned Counsel for the applicant submits that the applicant was subjected to P.C.R. And there is hardly any necessity to continue his detention.
6. There are two minor accused involved in the crime.
7. In my opinion, looking to the nature of allegations in the F.I.R. and the conduct of the victim in absolving one of the accused of whom vehicle is claimed to have been used in the crime in question raises doubt about prosecution story.
8. In view of this background, in my opinion, custodial interrogation of the applicant is not necessary. As such, applicant is entitled to be released on bail.
9. The applicant be released in Crime No.I-371 of 2015, registered at Police Station, Pathardi, District Ahmednagar, for the offences punishable under Sections 354-A (5), 366-A, 341, 323, 504, 511 read with sec.34 of Indian Penal Code and under Sections 7, 8, 11 (4) and 12 of the Protection of Children from Sexual Offences Act, upon furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.
10. Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

vvr