

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

CRIMINAL APPLICATION NO.174 OF 2016

Sachin s/o Manik Amale,
Age 24 years, Occu. Education,
R/o Ambhora, Taluka Ashti,
District Beed

..Applicant

Versus

State of Maharashtra,
through the Police Station,
Ambhora, Taluka Ashti,
District Beed

..Respondent

Mr S.K. Doke, Advocate for applicant
Mr S.M. Ganachari, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 28th January 2016

PER COURT

Heard.

2. The applicant is seeking pre-arrest bail in Crime No.129/2015 registered on 17th November 2015 at Police Station, Ambhora, District Beed, for the offences punishable under Sections 452, 354-A, 323, 504 and 506 of the Indian Penal Code and under Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

3. Perused the contents of the F.I.R. and other investigation papers.

4. Learned A.P.P. has opposed the application on the ground that the applicant has committed offence under the provisions of Protection of Children from Sexual Offences Act, which is a serious offence.

5. Upon perusal of the complete investigation papers, it is noted that the provisions of Protection of Children from Sexual Offences Act would have hardly any application to the facts of present case, particularly having regard to the nature of investigation noticed. Apart from above, the nature of allegation speaks of assault on one Bhimrao, however, there is hardly any material on record to infer that applicant has assaulted said Bhimrao.

6. In my opinion, the overall picture demonstrates an improbable story in the light of happening of the events, on the basis of which the crime in question alleged to have been committed.

7. In view thereof, applicant is entitled to be released on bail. As such, Criminal Application stands allowed.

8. In the event of arrest in Crime No.129/2015 registered on 17th November 2015 at Police Station, Ambhora, District Beed, for the offences punishable under Sections 452, 354-A, 323, 504 and 506 of the Indian Penal Code and under Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, the applicant be released on bail, upon furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

9. The applicant to attend the concerned police station on 8th, 9th and 10th February 2016 between 10.00 a.m. and 12.00 noon and thereafter as and when called for.

10. The applicant shall keep himself away from the jurisdiction of concerned Police Station till filing of charge-sheet, but for attending the investigating Officer.

(N.W. SAMBRE, J.)

vvr