

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

CRIMINAL APPLICATION NO. 221 OF 2016

Akshay @ Ashok s/o Gorakh Jagdhane,
Age: 19 years, Occ: Labour,
R/o. Kharshinde, Tq. Sangamner,
Dist. Ahmednagar.

...Applicant

versus

The State of Maharashtra,
Through the Police Inspector,
Ashwi Police Station,
Tq. Sangamner, Dist. Ahmednagar.

...Respondent

.....
Mr. K.N. Shermale, Advocate for applicant
Mr. S.J. Salgare, A.P.P. for respondent
.....

CORAM : N.W. SAMBRE, J.

DATE : 27th JANUARY, 2016

ORAL ORDER :

The applicant is seeking regular bail in Crime No. I-66/2015 registered with Ashwi Police Station, Tq. Sangamner, Dist. Ahmednagar, for the offence punishable under Sections 363, 366A, 354(A)(1)(i)(ii), (2), 376(2)(i) of Indian Penal Code and under section 4, 5(m), 6, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. The investigation in the matter is complete and chargesheet is already filed.

3. Learned Counsel for the applicant submits that, perusal of investigation papers depicts love affairs between applicant and the victim and according to him, intention was not to commit crime, as events occurred after love and affection.

4. Learned A. P. P. opposed the prayer for grant of bail on the ground that, victim was below 18 years and offence is punishable with imprisonment for 7 years under the provisions of Protection of Children from Sexual Offences Act.

5. Upon perusal of the investigation papers, it could be inferred that, the applicant and victim were in love with each other and the victim escaped from own house alongwith the applicant in the midnight and stayed with him for two days. Furthermore, the age of the present applicant and absence of criminal antecedents also needs to be considered in favour of the applicant.

6. In view thereof, the application stands allowed. Hence, the following order.

The applicant be released on bail, in connection with Crime No. I-66/2015 registered with Ashwi Police Station, Tq. Sangamner, Dist. Ahmednagar, for the offence punishable under

Sections 363, 366A, 354(A)(1)(i)(ii), (2), 376(2)(i) of Indian Penal Code and under section 4, 5(m), 6, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, upon executing P.R. bond of Rs.15,000/- with one surety in the like amount. The applicant shall not enter the village Kharshinde, Tq. Sangamner, Dist. Ahmednagar, till conclusion of the trial, but for Court proceedings.

[N.W. SAMBRE, J.]