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

CRIMINAL APPLICATION NO. 664 OF 2016

1. Bharat s/o Gumansing Girase
2. Dnyaneshwar s/o Onkarsing Girase ...APPLICANTS

VERSUS

The State of Maharashtra ...RESPONDENT

Mr B. R. Warma, Advocate for applicants;
Mr S. M. Ganachari, Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 16th February, 2016

ORDER :

By this application under section 438 of the Code of Criminal Procedure, the applicants seek their release on pre-arrest bail, in connection with C.R. No.5 of 2016, registered with Shindkheda police station, Tq. Shindkheda, Dist. Dhule, for offences punishable under sections 354-A (1) (3), 506 of the Indian Penal Code; under section 3 (1) (xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and under sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. The prosecution case is that the main accused Manoj has committed the offence under the provisions of the Protection of Children from Sexual Offences Act, 2012 and under section 354-A (1) (3) of the

(2)

Indian Penal Code and in order to save the said accused, the present applicants have roped the family members of the complainant.

3. While trying to make out a case for grant of bail, Mr Warma; learned Counsel appearing on behalf of the applicants would urge that custodial interrogation of the applicants is not necessary, as their participation in the crime is not alleged. The role attributed to the applicants is that of giving threats.

4. Learned Addl. Public Prosecutor opposed the application on the ground that custodial interrogation of the applicants is necessary as there are eye-witnesses to the incident of giving threats by the applicants.

5. Having regard to the role attributed to the applicants in the crime in question, i.e. about giving threats to the family members of the complainant, in my opinion, custodial interrogation of the applicants is not necessary.

6. The investigation in the matter is nearing completion. No recovery is to be made from the applicants. In view thereof, the applicants are entitled to be released on pre-arrest bail. I, therefore, pass following order :-

In the event of arrest of the applicants, in connection with C.R. No.5 of 2016, registered with Shindkheda police station, Tq. Shindkheda, Dist. Dhule, for offences punishable under sections 354-A (1) (3), 506 of the

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Indian Penal Code; under section 3 (1) (xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and under sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, they be released on bail, on each of them furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

The applicants shall attend the concerned police station initially on 24th and 25th February, 2016, between 10.00 a.m. and 12 noon and thereafter as and when called by the Investigating Officer.

The applicants shall not tamper with the prosecution evidence. In the event of any complaint about tampering of the prosecution evidence at the hands of the applicants shall entail the prosecution to move this Court for cancellation of bail.

(N.W. SAMBRE, J.)

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