

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.813 OF 2016

IN

CRIMINAL APPEAL NO.242 OF 2016

Kishor Bhanudas Walhekar,
Age-23 years, Occu:Labourer,
R/o-Ukhalwadi, Post-Jatnandur,
Tq-Shirur, Dist-Beed.

...APPLICANT

VERSUS

The State of Maharashtra,
Through Police Inspector,
Police Station, Pathardi,
Tq-Pathardi, Dist-Ahmednagar.

...RESPONDENTS

...

Mr.N.L. Jadhav Advocate for Applicant.
Mr.K.S. Hoke Patil, A.P.P. for Respondent.

...

CORAM: A.I.S. CHEEMA, J.

DATE : 28TH JUNE, 2016

ORDER :

1. Heard learned counsel for the Applicant as well as the learned A.P.P. for State. Perused

record.

2. The learned counsel for the Applicant submitted that Applicant is a labourer and has been falsely implicated in the offence. Applicant was working along with father of the victim girl for cutting sugar cane. They were in one group. According to the counsel, false case came to be filed when the girl went missing. It is stated that the Head-Master who proved the age of the victim has not brought age certificate issued by the Gram Sevak on the basis of which her age was entered in the school records. According to the counsel, the Applicant has good case on merits and should be admitted to bail.

3. The learned A.P.P. opposes the bail application.

4. Going through the material available, what appears is that prosecution brought on record

the fact that the victim was minor at the time of incident. The victim is stated to have studying in 6th standard. The accused was already married and even had a child. As per the facts of the case, the victim was taking care of the child of the accused. When the victim went missing and the father complained, the victim was found from the house of the accused, as per the evidence. The trial Court noted that the girl was only 14 years of the age at the time of incident and the accused had induced the prosecutrix to go with him. The prosecution brought on record evidence of manager of the hotel also.

5. Looking to the evidence as prima facie appearing in the matter, I do not think that this is an appropriate matter where the accused should be admitted to bail. It is serious case where minor girl is lured away and intercourse committed although the accused himself is married and having children. Even as under-trial he was in custody

and now he is convicted accused.

6. There is no substance in the bail Application. The Application is rejected. The hearing of the Appeal is expedited.

[A.I.S.CHEEMA, J.]

asb/JUN16