

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.957 OF 2016

Javed Ibrahim Shaikh ..Applicant

Versus

The State of Maharashtra ..Respondent

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Mr.N.R.Thorat, advocate for applicant

Mr.A.R.Borulkar, APP for respondent - State

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CORAM : M.T. JOSHI, J.

DATE : MARCH 11, 2016

PER COURT :

Heard.

2] The applicant, who is arrested in Crime No.14 of 2015 registered at Wadhawana Police Station, Tq.Udgir, Dist.Latur for the offences punishable under Section 363, 366, 366(A), 376, 376(2)(N) of Indian Penal Code; Section 3(1)(W), I, II, 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act; Section 7(1)(D) of

the Protection of Civil Rights Act; and Sections 4 and 8 of the Protection of Children from Sexual Offences Act, on the basis of which now Special Case No.4 of 2015 is pending before the learned Special Judge, Udgir, is praying for his release on bail.

3] Arguments from both sides as well as the case papers would show that the victim girl, who was seventeen years and ten months' old at the relevant time, had agreed to marry with the present applicant and therefore, both of them went away at various places like Manmad, Tashik, Pune and Mumbai and resided there for a considerable period. Ultimately, when a missing complaint was filed by the father of the victim, the police reached there and the victim girl was found.

4] Learned counsel for the applicant submits that the applicant is behind the bars since 8th March,

2015. The trial would take its own time for conclusion. He therefore submits that the applicant may be released on bail.

5] Learned A.P.P. opposes the application. He submits that the victim girl was seventeen years and ten months' old at the time of commission of the offence and therefore, the application may be rejected.

6] Considering the material on record, since the trial may take its own time and as the applicant is behind the bars since last one year, he can be released on bail.

7] Hence, the following order :-

A] Criminal Application is hereby allowed.

B] The applicant be released on bail in Crime No.14 of 2015 registered at Wadhawana Police Station, Tq.Udgir, Dist.Latur for the offences

punishable under Section 363, 366, 366(A), 376, 376(2)(N) of Indian Penal Code; Section 3(1)(W), I, II, 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act; Section 7(1)(D) of the Protection of Civil Rights Act; and Sections 4 and 8 of the Protection of Children from Sexual Offences Act, on the basis of which now Special Case No.4 of 2015 is pending before the learned Special Judge, Udgir, upon his executing P.R. bond in the sum of Rs.20,000/- (Rs.Twenty Thousand) and also upon furnishing surety in the like amount.

C] The applicant shall not enter in the village Wadhawana, Tq.Udgir, Dist.Latur, for two years or till the trial is concluded whichever occurs earlier, without prior permission of the concerned Special Judge.

[M.T. JOSHI, J.]