

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1091 OF 2016

Subhash s/o Vaijnath Jadhav,
Age : 18 years, Occu. Student,
R/o Tandulwadi, Tq. Palam,
District Parbhani

APPLICANT

VERSUS

The State of Maharashtra,
through the Police Inspector,
Police Station, Gangakhed

RESPONDENT

Mr. V.D. Salunke, Advocate for the applicant
Mr. A.R. Borulkar, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.
DATE : 06/04/2016

ORAL ORDER :

1. Heard both sides.
2. The present applicant who is apprehending his arrest at the hands of Gangakhed Police Station, district Parbhani in Crime No. 45/2016, registered for the offences punishable under section 354D of the Indian Penal Code and under section 7 and 8 of the Protection of Children from Sexual Offences Act, is praying for his release on bail in the event of his arrest.

3. The complaint of 17 years old victim would show that the present applicant always used to make a phone call to her on her mobile and used to use obscene language. Ultimately on 27th January, 2016, from his mobile, he threatened that the victim-girl would be destroyed within two minutes. At that time, her cousin was present. Even her maternal uncle had seen the present applicant following the victim while proceeding to college. In the circumstances, the crime came to be registered.

4. As the allegations are regarding the phone call on the mobile, in view of the query made by this Court, the learned A.P.P. has collected the call details records (C.D.Rs.) through the investigating officer and the said C.D.Rs. alongwith the report of the investigating officer are today filed on the record. Both these documents are accepted on record and collectively marked "X" for the purpose of identification.

5. These C.D.Rs. would show that there used to be conversation between the victim and the present

applicant for a comparatively longer period like 443 seconds, 107 seconds, etc.

6. Exhibit-C to the present application would show that the date of birth of the present applicant is 4th May, 1997. Though in the FIR, the victim has given her age as 17 years, the report of the investigating officer at "X" would show that she is 17 years and 7 months old.

7. Considering all the material on record, without making any comment on merit of the case, in my view, the custodial interrogation of the present applicant is not required. Hence, the following order:-

8. The interim protection granted by this Court to the present applicant vide order dated 17th February, 2016 is hereby made absolute on the same terms and conditions.

9. The present application is accordingly allowed and disposed of.

[M.T. JOSHI]
JUDGE