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

CRIMINAL APPLICATION NO.1763 OF 2016

Rahul s/o Kondiram Salave,
Age : 20 years, Occu. Private Service,
R/o Adva Odha, Sangamner (Kh).,
Tal. Sangamner, Dist. Ahmednagar ..APPLICANT

VERSUS

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

Mr K.N. Shermale, Advocate for applicant;
Mr A.S. Shinde, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 2nd August, 2016

ORAL ORDER :

Learned Counsel appearing on behalf of the applicant, upon instructions, states that the applicant is ready and willing to deposit an amount of Rs.1,00,000/- in this Court during the course of the day. The applicant is at liberty to do so.

2. By the present application under section 439 of the Code of Criminal Procedure, the applicant is seeking his release on bail, in connection with C.R. No.I-267 of 2015, registered with Sangamner City Police Station, Tq. Sangamner, Dist. Ahmednagar (now Sessions Case No.17 of 2016), for

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offences punishable under section 376 (2) (n) of the Indian Penal Code and under sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012. The applicant was arrested on 24th November, 2015.

3. It is claimed by the prosecution that out of the crime in question, the victim has begotten a child. It is also reported that thereafter the victim has married and residing at some other place.

4. Upon perusal of the investigation, *prima facie* it could be inferred that the offence in question appears to have occurred out of the relationship of the applicant with the victim.

5. The investigation in the matter is already complete and charge-sheet is filed.

6. It is then to be noted that the applicant has shown *bona fides* by showing his readiness and willingness to deposit an amount of Rs.1,00,000/- .

7. In view of above and having regard to the age of the applicant, in my opinion, it will be appropriate to order his release on bail. Hence, following order :-

The applicant be released on bail, in connection with C.R. No.I-267 of 2015, registered with Sangamner City Police Station, Tq. Sangamner,

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Dist. Ahmednagar (now Sessions Case No.17 of 2016), for offences punishable under section 376 (2) (n) of the Indian Penal Code and under sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012, on furnishing P.R. Bond of Rs.25,000/- with one surety in the like amount.

Learned Addl. Public Prosecutor to forthwith instruct the Investigating Officer to intimate the victim as regards deposit of Rs.1,00,000/-. The Investigating Officer shall intimate the victim that she is at liberty to withdraw the said amount and shall invest the same in a fixed deposit, in a nationalized bank.

The victim shall ensure that quarterly rests interest earned on the said fixed deposit of Rs.1,00,000/- is spent on the born child.

The above order is subject to deposit of the amount of Rs.1,00,000/-

The applicant shall not tamper with the prosecution evidence or influence the witnesses.

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

amj