

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1918 OF 2016

Mithun s/o Vijay Dhalawade,
Age : 22 years, Occu. Labourer,
R/o Tandali Dumala, Taluka
Shrigonda, District Ahmednagar

APPLICANT

VERSUS

The State of Maharashtra
through Police Station Officer,
Shrigonda Police Station,
Tq. Shrigonda, Dist. Ahmednagar

RESPONDENT

Mr. Niteen V. Gaware, Advocate for the applicant
Mr. U.S. Mote, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.

DATE : 07/04/2016

ORAL ORDER :

1. Heard both sides.
2. The present applicant who is arrested by Shrigonda Police Station, District Ahmednagar in Crime No. I-36/2016, registered for the offences punishable under section 363, 366, 376D of the Indian Penal Code and under section 3, 4 of the Protection of Children from Sexual Offences Act and under section 3 (1) (xii) and 3 (1) (v) of the Scheduled Castes and Scheduled

Tribes (Prevention of Atrocities) Act, is praying for his release on bail.

3. This Court had an occasion to pass an order in connection with the co-accused Sangram s/o Dattatraya Lambade and Ganesh s/o Mhaske Bunage in Criminal Application No. 1519/2016 on 29th March, 2016. A copy of the said order dated 29th March, 2016 is produced on record by the learned counsel for the applicant, which is accepted on record and marked "X" for the purpose of identification.

4. It is alleged that those co-accused alongwith the present applicant and some other persons had accompanied the principal accused Dada Kanere when the sixteen years old victim was taken away from the custody of her parents and thereafter, said Dada Kanere had sexual intercourse with her at various places. The additional allegation against the present applicant is that five months preceding the present incident, the present applicant had under a threat committed sexual intercourse with the victim and thereafter, asked her to have sexual intercourse with the principal accused Dada Kanere.

5. Mr. N.V. Gaware, learned counsel for the applicant submitted that though the allegations are made that five months preceding the present incident, the present applicant had sexual intercourse with the victim, in the present episode, she has not alleged that the present applicant has committed sexual intercourse with her. The only allegation against the present applicant is that he had accompanied the principal accused Dada Kanere when he took away the victim from the custody of her parents and the couple went at different places.

6. Considering the overall material on record and finding that the investigation qua the present applicant is complete, in my view, the applicant can be released on bail. Hence, the following order:-

7. The applicant be released on bail in Crime No. I-36 of 2016 registered with Shrigonda Police Station, District Ahmednagar for the offences punishable under section 363, 366, 376D of the Indian Penal Code and under section 3, 4 of the Protection of Children from Sexual Offences Act and under section 3 (1) (xii) and 3

(1) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, on his executing P.R. bond in the sum of Rs. 15,000/- (rupees fifteen thousand) and also upon furnishing surety in the like amount.

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

[M.T. JOSHI]
JUDGE

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