

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2093 OF 2016

Mahesh s/o Gorakshnath Kate,
Age : 23 years, Occu. Labour,
R/o Jatap, Post Lakh,
Tq. Rahuri, 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 the applicant
Mr. A.R. Borulkar, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.

DATE : 22/04/2016

ORAL ORDER :

1. Heard both sides.
2. The present applicant who was arrested by Sangamner City Police Station, Taluka Sangamner, District Ahmednagar in Crime No. I-281/2015, registered for the offences punishable under section 363, 366-A, 376 (2) (N) of the Indian Penal Code and under section 3 and 4 of the Protection of Children from Sexual Offences Act, is praying for his release on bail.

3. The complaint of the mother of the victim would show that her 17 years and 3 months old daughter went missing on 9th December, 2015. Thereafter, the statement of the victim was recorded which would show that she had love affair with the present applicant who is around 23 years old. The same was, however, not approved by the complainant-mother and therefore, she always used to beat her. Hence, she herself left the house and called the applicant on phone and told him that she wanted to marry with him. Thereupon, both of them went to Alandi and the marriage was performed. Thereafter, both of them had sexual relations with each other. However, in view of the complaint filed by her mother, they had to return and present themselves with the police.

4. Learned counsel for the applicant submits that the applicant is behind the bars since 22nd February, 2016. The investigation is complete. In fact, the FIR would show that since the mother-complainant did not approve the relations between her daughter- the victim and the applicant, false complaint is filed.

5. Learned A.P.P. opposed the application.

6. Considering all the material on record and finding that the investigation is complete, the applicant deserves to be released on bail. Hence, the following order:-

7. The applicant be released on bail in Crime No. I-281/2015, registered with Sangamner City Police Station, Taluka Sangamner, District Ahmednagar, for the offences punishable under section 363, 366-A, 376 (2) (N) of the Indian Penal Code and under section 3 and 4 of the Protection of Children from Sexual Offences 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

npj/criapln2093-2016