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

CRIMINAL APPLICATION NO. 2750 OF 2016

Shivraj s/o Nilkanth Chore @ Chawre

..APPLICANT

VERSUS

The State of Maharashtra

..RESPONDENT

Mr S. J. Salunke, Advocate for applicant;
Mr S. Y. Mahajan, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 6th June, 2016

ORDER :

Heard.

2. The applicant was arrested on 22nd April 2016, for the offences punishable under Sections 354A (1), 342, 324, 376 and 511 of the Indian Penal Code and under Sections 7, 8, 9(m) and 10 of the Protection of Children from Sexual Offences Act, 2012, for the alleged incident dated 21st April, 2016, resulting into registration of Crime No. 63 of 2016, with the Palam Police Station, Tq. Palam, Dist. Parbhani, on 22nd April, 2016.

3. While trying to make out a case for grant of regular bail, Mr Salunke, learned Counsel appearing on behalf of the applicants submits that, apart from unexplained delay of one day in lodging first information report, the investigation in the matter is already completed. According to him, in

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absence of any injury to the victim in the probability of case narrated in first information report, the applicant's involvement is in dispute and hence he be released on bail.

4. The learned Additional Public Prosecutor submits that as the investigation in the matter is in progress, it will be inappropriate to release the applicant on bail as he is resident of same village and there might be possibility of tampering with the prosecution evidence and there is strong case against him.

5. With the assistance, I have perused the investigation papers.

6. Fact remains that there is no injury suffered by the victim, as is apparent from the medical report. Apart from above, fact remains that the victim was at home alongwith her cousin sister and there is also doubt, as regards the presence of mother at the spot, as is apparent from the statement given by the victim. Be that as may be, in my opinion, further detention of the applicant in crime in question, is not necessary and he is entitled to be released on bail, in absence of criminal antecedents and the stage of investigation. Hence I pass following order :-

The applicant be released on bail, in connection with the Crime No. 63 of 2016, registered with the Palam Police Station, Tq. Palam, Dist. Parbhani, for the offences punishable under Sections 354A (1), 342, 324, 376 and 511 of the Indian Penal Code and under Sections 7, 8, 9(m) and

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10 of the Protection of Children from Sexual Offences Act, 2012, upon furnishing P.R. Bond of Rs 25,000/-, with one surety in the like amount. Applicant shall keep himself away from the jurisdiction of concerned police station till filing of the chargesheet.

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

sjk