

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3036 OF 2016

Gorakh S/o Raghu Rathod .. Applicant

Vs.

The State of Maharashtra .. Respondent

.....

Mr. P.P. More, Advocate for the applicant

Mr. S.D. Ghayal, APP for the respondent-State

.....

CORAM : N.W. SAMBRE, J.

DATE : 24/06/2016

ORAL ORDER :

Heard.

2. The applicant is seeking regular bail in Crime no.45 of 2016 registered at Mantha Police Station, Tq. Mantha, Dist. Jalna for the offences punishable under section 376 of the Indian Penal Code and under section 3 and 4 of the Protection of Children from Sexual Offences Act.

3. Perused the FIR. The FIR does not depict the details of the offence, particularly, as to in which year and in which month, leave apart the date, the alleged incident took place. On the above referred issue, the FIR is completely vague. Reference is made to the earlier FIR in the crime registered against the complainant vide crime no. 20 of 2015.

4. In my opinion, false implication of the applicant cannot be ruled out. There are no criminal antecedents. DNA of the applicant with an intention to match the same, with that of the so-called fetus of the complainant, is also forwarded for an analysis to the Forensic Science Laboratory, wherefrom report is awaited. However, in my opinion, that cannot be a ground for detaining the applicant, particularly in the background of vague FIR. The applicant, as such, is entitled to be released on bail. Hence, the following order:-

5. The applicant be released on bail in Crime no.45 of 2016 registered with Mantha Police Station, Tq. Mantha, Dist. Jalna for the offences punishable under section 376 of the Indian Penal Code and under section 3 and 4 of the Protection of Children from Sexual Offences Act, upon his executing P.R. bond in the sum of Rs.15,000/- (Rs. Fifteen Thousand) with one surety in the like amount.

6. The applicant shall keep himself away from the jurisdiction of the Police Station and the place of residence of the victim, till the trial is concluded.

7. Criminal Application stands disposed of accordingly.

[N.W. SAMBRE]
JUDGE

arp/-