

(1)

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

CRIMINAL APPLICATION NO. 3202 OF 2015

Rahul s/o Bajrang Pawar

..APPLICANT

VERSUS

The State of Maharashtra

..RESPONDENT

Mr A. S. More, Advocate for applicant;

Mr A. S. Shinde, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 28th July, 2016

ORDER :

The applicant is seeking his release on regular bail, in connection with Crime No. 1 of 2016, registered with Paranda Police Station, Dist. Osmanabad, for offences punishable under Section 363, 366-A, 376(2)(i) of the Indian Penal Code and under Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, for the alleged incident dated 1st January, 2016.

2. The complainant is mother of victim Puja, a minor girl aged about 14 years. The present applicant called Puja from the School and went together to Pune. They have physical relationship and thereafter Puja was reached to her parental home, resulted into registration of crime in question.

(2)

3. The investigation in the matter is complete as the charge-sheet is filed.

4. The statement of victim Puja was recorded on 12th January, 2016, which speaks of resistance shown by her during physical relationship. The medical evidence does not reflect any injuries on the private part of victim Puja. Apart from above, there is no confirmation about alleged sexual intercourse.

5. In the above background, even if presuming that victim Puja stayed with applicant, at the most, the case under Section 363 of the Indian Penal Code, is required to be looked into.

6. Since investigation in the matter is complete as charge-sheet is filed, in my opinion, no fruitful purpose will be served in detaining the applicant, since he is available for investigation and there are no criminal antecedents against him.

7. In the above background, in my opinion, the applicant is entitled to be released on bail. Hence, I pass following order :

(a) The applicant be released on bail, in connection with Crime No. 1 of 2016, registered with Paranda Police Station, Dist. Osmanabad, for offences punishable under Section 363, 366-A, 376(2)(i) of the Indian Penal Code and under Sections 4, 8 and 12

(3)

of the Protection of Children from Sexual Offences Act, 2012, on furnishing P.R. Bond of Rs 15,000/- with one surety in the like amount.

(b) The applicant shall not tamper the prosecution evidence and shall not influence the witnesses.

Criminal Application stands allowed in above terms.

The observations made in this order are prima facie in nature.

(N.W. SAMBRE, J.)

sjk