

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

CRIMINAL APPLICATION NO.3235 OF 2016

Amjad Musa Pathan,
Age: 19 years, Occ: Labour,
R/o. Bhimwadi, Parli-Vaijinath,
Tq. Parli-Vaijinath, Dist. Beed. ..APPLICANT

VERSUS

The State of Maharashtra . .RESPONDENT

Mr Satej S. Jadhav, Advocate for applicant;
Mr C.V. Dharurkar, Addl. Public Prosecutor for
respondent

CORAM : N.W. SAMBRE, J.

DATE : 1st August, 2016

ORDER :

The applicant is seeking regular bail in Crime No. 71 of 2016 registered with Parli City Police Station, District Beed, for the offence punishable under Sections 377, 323, 504, 506 read with Section 34 of the Indian Penal Code, under Section 4 of the Protection of Children from Sexual Offences Act and under Section 3(2) (5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

(2)

2. The applicant was arrested on 6th March, 2016 for the alleged offence and the charge sheet in the matter is already filed.

3. Perused the charge sheet. *Prima facie* it appears that the medical evidence as is brought on record during the investigation does not support the case of the prosecution, as the victim has not suffered single injury in the alleged heinous and serious crime.

4. In view of above, the involvement of the applicant in the crime in question, *prima facie* is improbable. As such, the applicant is entitled to be released on bail. Hence, the following order:-

(a) The applicant be released on bail, in connection with Crime No. 71 of 2016 registered with Parli City Police Station, District Beed, for the offence punishable under Sections 377, 323, 504, 506 read with Section 34 of the Indian Penal Code, under Section 4 of the Protection of Children from Sexual Offences Act and under

(3)

Section 3(2) (5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, on furnishing P.R. Bond of Rs. 25,000/- with one surety in the like amount.

(b) The applicant shall co-operate learned trial Court in disposal of trial and shall not seek adjournments. Non co-operation on the part of the applicant may entail learned trial Court to proceed with the cancellation of bail independently.

5. Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

Tupe