

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

CRIMINAL APPLICATION NO.3284 OF 2016

Chetan s/o Devidas Patil,
Age 23 years, occu. Driver,
R/o Pargaon, Taluka Chopda,
District Jalgaon

..Applicant

Versus

The State of Maharashtra,
through I.O., Adawad Police
Station, Chopda, Dist. Jalgaon

..Respondent

Mr P.B. Patil, Advocate for applicant
Mr S.J. Salgare, A.P.P. for respondent

CORAM : V.K. JADHAV, J.

DATE : 22nd July 2016

PER COURT

Heard learned Counsel for the applicant and learned A.P.P. for the State.

2. On the basis of the complaint lodged by one Madhuri Ashok Sonwane, Crime No.42/2016 came to be registered at Police Station, Adawad, District Jalgaon for the offences punishable under Sections 451, 354 (a) (d), 506 (a) of Indian Penal Code and under Sections 4, 7, 11 (IV) & 12 of the Protection of Children from Sexual Offences Act, 2012.

3. It has alleged in the complaint that the applicant misbehaved with the informant, threatened her to kill and tried to pressurise her on one or other occasion. On the basis of these allegations, the applicant came to be arrested on 30th May 2016. Since then he is in jail. The applicant has, therefore, submitted this application for his

release on bail. His application with similar prayer came to be rejected by the Additional Sessions Judge, Amalner vide order dated 6th June 2016 in Bail Application No.42 of 2016.

4. Learned Counsel for the applicant submits that the applicant is a young person and the complaint came to be lodged against him due to some misunderstanding. He submits that for sufficient period, the applicant is detained in jail. His antecedents are clear. He has fixed place of residence and he will be available for trial. There is no question of tampering of prosecution evidence. The informant is a resident of village Dhanora, whereas the present applicant along with his mother is residing at Pargaon. Learned Counsel submits that the widowed mother of the applicant is present in the Court and she assured that in future the applicant would not indulge in such types of activities.

5. Learned A.P.P. submits that there is a strong prima facie case against the applicant. He has misbehaved with the informant and tried to pressurise her for the sexual favour. Even on one occasion, he had tried to enter into the house of the informant. At that time, he was under the influence of liquor. Learned A.P.P. submits that after release, the applicant may tamper the prosecution evidence.

6. There are certain allegations against the applicant in the complaint, however, for a considerable period the applicant is in jail. It further appears that practically, the investigation is complete and mere formality of filing of charge-sheet is only remained. The applicant is also young person. His antecedents are clear. His mother

is present before the Court and she assured that in future, the applicant will not indulge in such types of activities . It appears that the applicant is from lower middle class family. The applicant has fixed place of residence. Thus, the applicant is entitled to be released on bail by imposing certain conditions. Hence, I proceed to pass the following order:

ORDER

(I) Criminal Application is hereby allowed.

(II) The applicant be released on bail in connection with Crime No.42/2016 came to be registered at Police Station, Adawad, District Jalgaon for the offences punishable under Sections 451, 354 (a) (d), 506 (a) of Indian Penal Code and under Sections 4, 7, 11 (IV) & 12 of the Protection of Children from Sexual Offences Act, 2012, on furnishing personal bond of Rs.10,000/- with one surety of the like amount on following conditions:

(III) The applicant shall not tamper with the prosecution evidence, in any manner.

(IV) The applicant shall not enter in village Dhanora till further orders.

(V) The applicant shall attend the concerned police station once in a week on every Sunday between 8.00 a.m. and 11.00 a.m. till filing of the charge-sheet.

(VI) Bail before the lower Court.

7. Criminal Application stands disposed of accordingly.

(V.K, JADHAV J.)

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