

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

CRIMINAL APPLICATION NO. 3482 OF 2016

PARAJI KASHINATH KADNAR
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Shri Patekar Narendra B.
APP for Respondents: Shri S.J.Salgare.

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CORAM: SMT. S.S.JADHAV, J.

DATE :- 15th July, 2016

Per Court:

1 Heard.

2 This is an application under Section 439 of the Code of Criminal Procedure. The Applicant is arrested on 07.06.2016 in Crime No.90/2016 registered at Sangamner Taluka Police Station for the offences punishable under Sections 452, 354, 326, 506, 323 r/w 34 of the Indian Penal Code and also under Sections 7 and 8 of the Protection of Children from Sexual Offences Act, 2012.

3 It is the case of the prosecution that on 06.06.2016 the alleged victim aged about 14 years lodged the report to the Police Station

alleging therein that on 05.06.2016 when she was at home, the present Applicant and others entered into her house and one of the accused, namely, Swapnil has touched her inappropriately. At that point of time, the present Applicant is alleged to have assaulted the mother of the victim due to which her mother had sustained bleeding injuries. The only act attributed to the present Applicant is that he has assaulted the mother of the victim.

4 The accused Swapnil against whom there are allegations under the Protection of Children from Sexual Offences Act, 2012, has been granted pre-arrest bail by this Court vide order dated 12.07.2016 since the said accused was able to demonstrate on the basis of the CCTV footage of Hemant Hotel at Ale Phata that he was not present at the scene of offence at the relevant time.

5 As far as the present Applicant is concerned, perused the injury certificate of Ujwala, who is the mother of the victim. The certificate would indicate that she had received blunt trauma on her chest and abdomen and trauma on her back, which are described as simple injuries. The Applicant is in custody for more than one month. Hence, he deserves to be enlarged on bail.

6 Hence, the following order:-

- (a) This Criminal Application is allowed.
- (b) The Applicant (Paraji Kashinath Kadnar) be enlarged on bail on furnishing PR. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one or two sureties in the like amount.
- (c) The Applicant shall report to the concerned Police Station on every Tuesday between 10:00 am to 12:00 noon till the filing of the charge sheet.
- (d) It is made clear that the observations made herein above are prima facie in nature, restricted to an application under Section 439 of the Code of Criminal Procedure and shall not be considered for the purposes of quashing of the First Information Report, discharge application or at the time of trial.
- (e) The parties to act on an authenticated copy of this order.