

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3483 OF 2016

Yogesh S/o Narayan Nachan .. Applicant

Vs.

The State of Maharashtra .. Respondent

.....

Mr. Satish A. Gaikwad, Advocate for the applicant

Mr. A.S. Shinde, APP for the respondent-State

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CORAM : N.W. SAMBRE, J.

DATE : 12/08/2016

ORAL ORDER :

Heard.

2. The applicant is seeking regular bail in Crime no.I-88 of 2015 registered at Pachod Police Station, Dist. Aurangabad for the offences punishable under section 345, 354(A)(2), 354(B), 325, 323 of the Indian Penal Code and under section 8 and 12 of the Protection of Children from Sexual Offences Act and under section 3(1)(xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act).

3. Shri Gaikwad, learned counsel for the applicant, while trying to make out case for grant of bail would submit that the charge was framed on 3/8/2015 and, thereafter, the trial has not proceeded an inch. According to him, in view of the liberty granted by this Court on 28/10/2015 in Criminal Application No. 5507 of 2015, the applicant has approached this Court for grant of regular bail.

4. On merits, he would urge that the offences are punishable for minimum period of 3 years and maximum period of 7 years. According to him, the applicant is behind the bars for more than 15 months and as such looking to the nature of allegations and investigation against him, he deserves to be released on bail. He has also tried to point out certain lacuna in the investigation qua the clothes of the victim and its location.

5. From the investigation papers, learned A.P.P. opposed the application on the ground that witness summons are already issued to the witnesses

and there is no question of applicant being released on bail, particularly when there is *prima facie* material available against the applicant.

6. It is required to be noted from investigation papers that, the victim – Monika, who was a minor at the relevant time, suffered four injuries because of the crime committed by the applicant.

7. There is enough material on the record so as to infer that the applicant is *prima facie* involved in the crime in question including that of the medical evidence.

8. No case for grant of bail is made out. Application fails and is rejected.

9. Hearing of the trial is expedited.

[N.W. SAMBRE]
JUDGE

arp/-