

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

33 CRIMINAL APPLICATION NO. 3999 OF 2016

PANDHARINATH S/O SITARAM DIVATE

VERSUS

THE STATE OF MAHARASHTRA

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Mr. M.S.Karad, Advocate for Applicant.

Mrs. V.N.Patil (Jadhav), A.P.P. for Resp. – State.

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CORAM : A.M.BADAR, J.

DATE : 14th SEPTEMBER, 2016

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PER COURT :

1. The applicant/accused in Crime No. 54/2016 registered at Shillegaon police station, Tq. Vaijapur, Dist. Aurangabad for the offences punishable u/ss 363,366,341,354(A)(1),354(D)(1)(1),509,507,504,506 read with 34 of the Indian Penal Code and u/ss 11 (1), 12 of the Protection of Children from Sexual Offences Act, by this application is seeking bail.

2. Heard learned counsel for the applicant as well as learned A.P.P. Learned A.P.P. opposed the application by contending that the applicant had enticed the minor female

and forcibly married her. Thereafter he was sexually harassing the minor victim.

3. Perused papers of investigation including the F.I.R. lodged by the prosecutrix. The prosecutrix alleged that on 18/12/2015, the present applicant kidnapped her and took her to hillock where she was forcibly required to marry the applicant. It is further averred that thereafter the applicant was extending threats to the father of the informant for forcing him to marry the minor female victim with him.

4. Now, the investigation of the crime in question is over and the charge sheet is also filed before the Special Court, which has resulted in registration of Sessions Case No. 14/2016 against the present applicant.

5. Considering the nature of allegations against the applicant and the fact that the investigation is over, further pre-trial detention of the applicant is not warranted. Hence, the following order.

(i) The application is allowed.

(ii) Applicant Pandharinath s/o Sitaram Divate in Crime No. 54/2016 registered at Shillegaon police station, Tq. Vaijapur, Dist. Aurangabad for the offences punishable u/ss 363,366,341,354(A)(1),354(D)(1)(1),509,507,504,506 read with 34 of the Indian Penal Code and u/ss 11 (1), 12 of the Protection of Children from Sexual

Offences Act be released on bail on executing P.R. Bond of Rs. 15,000/- [Rupees Fifteen Thousand] and on furnishing surety in the like amount.

(iii) As a condition of this Order, the applicant shall not extend any threat, inducement or promise to the persons acquainted with the facts of the accusation so as to dissuade them from disclosing the same either to the police or the Court.

(iv) The applicant shall not tamper the evidence of the prosecution.

(v) The applicant shall co-operate the trial Court in the expeditious disposal of trial against him.

[A.M.BADAR, J.]