

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4186 OF 2016

Ganesh @ Gajanan S/o Navnath Kamble,
Age : 23 Years, Occu. : Agricultural Labour,
R/o Gugalgaoonwadi, Tq. Omerga,
Dist. Osmanabad.

...APPLICANT

VERSUS

The State of Maharashtra,
Through Police Inspector,
Police Station Omerga,
Tq. Omerga, Dist. Osmanabad.

...RESPONDENT

. . .
Advocate for Applicant : Mr. Santosh B. Gastgar.
APP for Respondent/State : Mr. S. J. Salgare.
. . .

CORAM : A. M. BADAR, J.

DATE : 23rd AUGUST, 2016.

PER COURT :

1] The applicant / accused in crime No.184/2015, registered at Omega Police Station, Tq. Omerga, Dist. Osmanabad, for offences punishable under Section 376(i)(n), 354(a)(c), 363, 366 r/w 34 of Indian Penal Code and under Sections 3, 4, 5(1), 6, 7, 8, 11(5), 12 of Protection of Children from Sexual Offences Act, by this application is seeking bail after fling of charge sheet.

2] Heard learned counsel for applicant as well as learned

APP. The learned APP opposed the application by contending that, the offence alleged against the applicant is serious as he had kidnapped a minor girl aged about 13 years and few months of age. Learned APP further argued that, medical evidence corroborates the version of the prosecutrix.

3] Perused the charge-sheet. Statement of witnesses recorded by the investigator so also even the statement of informant's father goes to show that there was love affair between present applicant and minor female child. The charge-sheet shows that the female child eloped from her house and joined the company of the present applicant. Thereafter, according to the prosecution case, the applicant had committed rape on the female child who is not of consenting age.

4] Perusal of the charge-sheet also shows that, the applicant is also a young boy. He has not indulged in any act of violence while committing the crime in question. The investigation is over and charge-sheet is filed long back. Hence considering the nature of offence and the fact that, he had not indulged in any act of violence while commission of the crime in question, further pre-trial detention of the present applicant is not warranted and, therefore the order :-

ORDER

- i) The application is allowed.
- ii) The applicant / accused, in the above crime, be released on bail on his executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) and on furnishing on or more solvent sureties of the like amount.
- iii) As a condition of this Order, 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 with the prosecution evidence.
- v) The applicant / accused shall cooperate for expeditious disposal of the trial.
- vi) The applicant shall not repeat commission of similar type of offences in future.
- vii] The Application stands disposed of in the aforesaid terms.

[A. M. BADAR]
JUDGE