

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

Criminal Application No. 5089 of 2016

District : Jalna

Ansiram s/o. Bhanudas Kale,
Age : 29 years,
Occupation : Service,
R/o. Pimparkhed,
Taluka : Ghansawangi,
District : Jalna.

.. Applicant.

versus

The State of Maharashtra,
Through Police Station,
Ghansawangi,
Taluka : Ghansawangi,
District : Jalna.

.. Respondent.

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Mr. P.P. More, Advocate, for the applicant.

*Mr. N.B. Patil, Addl. Public Prosecutor, for the
respondent.*

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CORAM : A.M. BADAR, J.

DATE : 21ST SEPTEMBER 2016

ORAL ORDER:

The applicant / accused in Crime No. 74/2016
for offences punishable under Section 376 of the
Indian Penal Code and under Sections 3, 4, 5(j)(ii) &
(1) of the Protection of Children from Sexual

Offences Act, 2012, by this application, is seeking his release on bail after filing of the charge-sheet.

2. Heard the learned Counsel for the applicant / accused. He argued that except statements of the prosecutrix, her grand-parents and papers of abortion of the prosecutrix, there is no other evidence against the present applicant. He further argues that the FIR itself shows that there was some monetary transaction between the family of the prosecutrix as well as the applicant.

3. The learned Addl. Public Prosecutor opposed the application by contending that the crime in question is serious and the prosecutrix is categorically mentioning commission of rape successively on her by the applicant. The learned Addl. Public Prosecutor submits that the prosecutrix is only 15 years of age and therefore, in such case, the applicant is not entitled for bail.

4. Considered the rival submissions and perused the charge-sheet. The prosecutrix appears to be a minor female child. In her FIR, she has averred that the applicant was having good relations with her grand-parents with whom she was staying. The prosecutrix further stated that the applicant used to sleep at her house and she also used to sleep beside him. According to the prosecutrix, in one night

after Diwali, the applicant committed rape on her but she did not disclose the same to anybody else. Thereafter, according to the prosecutrix, by promising marriage, the applicant had committed rape on her repeatedly from November 2015 to January 2016, making her pregnant. Then there was abortion with medical intervention.

5. The FIR itself shows that the same was lodged as after the incident, the prosecutrix who was staying with her grand-parents, was sent to her father's house. Thereafter her father had assaulted and abused her. The prosecutrix as well as her mother and brother thereafter left the house of father of prosecutrix, resulting in lodging of report by her maternal uncle. Police traced them out. This appears to be the cause of lodging the FIR.

6. Now the investigation is over and charge-sheet has been filed. The applicant, as seen from the FIR itself, is an employee with the Electricity Company. He also appears to be a young person. The charge-sheet does not disclose any criminal antecedents of the applicant. Norms or guidelines for granting bail in such cases are set out by this Court at principal seat in the order dated 3rd August 2015 in Criminal Bail Application No. 1036 of 2015 (***Sunil Mahadev Patil Vs. The State of Maharashtra***). The applicant seems to be fulfilling those norms and

therefore further pre-trial detention of the applicant is not warranted.

7. Hence, I pass the following order :-

(a) The Application is allowed.

(b) The applicant / accused, in the above crime, be released on bail on his executing P.R. Bond in the sum of Rs. 25,000/- and on furnishing one or more solvent sureties of the like amount.

(c) As conditions of this order, the applicant shall abide by the following directions :-

(i) The applicant shall not contact the prosecutrix or her parents in any manner.

(ii) The applicant shall not, directly or indirectly, make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade them from disclosing such facts either to the Court or to any police officer.

(iii) The applicant shall not tamper with the prosecution evidence in any manner and shall cooperate the learned trial Judge in expeditious disposal of the trial against

him.

(iv) The applicant shall not repeat commission of similar type of offences in future.

8. The Application stands disposed of in the aforesaid terms.

(A.M. BADAR)
JUDGE

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