

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

Criminal Application No. 5684 of 2016

District : Aurangabad

Sopan s/o. Bhikan Varpe,
Age : 20 years,
Occupation : Agriculture,
R/o. Shindi-Nala, Shivoor,
Taluka : Vaijapur,
District : Aurangabad. .. Applicant.

versus

The State of Maharashtra,
Through Shivoor Police Station,
Shivoor, Taluka : Vaijapur,
District : Aurangabad. .. Respondent.

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*Mr. M.P. Bhaskar & Mr. Kiran Magar Patil,
Advocates, for the applicant.*

*Mr. S.J. Salgare, Addl. Public Prosecutor, for
the respondent.*

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CORAM : A.M. BADAR, J.

DATE : 25TH OCTOBER 2016

ORAL ORDER:

The applicant / accused in Crime No. 29/2016 registered with Shivoor Police Station, Taluka Vaijapur, District Aurangabad, for offences punishable under Sections 363, 366A, 376, 417 of the

Indian Penal Code and under Sections 3 and 4 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 appearing for the applicant / accused. By drawing my attention to the statement of minor female victim, the learned Counsel argued that no force or violence is attributed to the present applicant and therefore after filing of the charge-sheet, his further pre-trial detention is not warranted.

3. The learned Addl. Public Prosecutor opposed the application by contending that the applicant had kidnapped minor female victim and committed rape on her. The offence is serious and therefore the applicant is not entitled for bail.

4. I have carefully considered the rival submissions and also perused the charge-sheet.

5. The crime in question is registered on the basis of report lodged by Gorakhnath s/o. Sheku Chelekar - father of the minor female victim, who is stated to be about 17 years of age. The informant reported that in the night of 06.03.2016, his minor daughter left the house along with her belongings. The informant pointed finger at the present applicant

with an averment that the present applicant and his minor daughter were in love. During investigation, the applicant and kidnapped female victim of the crime in question were apprehended from Shivoor on 26.05.2016. Statement of minor female victim goes to show that she was deeply in love with the present applicant and they both indulged in sexual relationship by visiting a lodge frequently. Then marriage of the minor female victim was settled and therefore she has decided to elope with the present applicant. Accordingly they eloped on 06.03.2016 and stayed at various places and ultimately settled at Pune. On 26.05.2016, Police apprehended them.

6. Perusal of the charge-sheet does not show that the applicant has applied any force or violence. The applicant is also a young person of about 21 years of age. No act of violence is attributed to him. In this view of the matter, after completion of investigation and filing of the charge-sheet, his further pre-trial detention in company of hardened criminals 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. 15,000/- and on furnishing one or more solvent sureties of the like amount.

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

(i) 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.

(ii) 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.

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

(d) The Application stands disposed of in the above terms.

(A.M. BADAR)
JUDGE

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