

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 5803 OF 2016

Rajebhau S/o Mariba Jadhav,
Age : 45 years, Occu.: Labour,
R/o Bor Ranjani, Tal. - Ghansawangi
District - Jalna .. Applicant

Vs.

- 1] The State of Maharashtra
Through the Officer Incharge of
Police Station, Nawa Mondha,
Parbhani, Tq. & Dist. Parbhani
- 2] The Prison Officer,
Parbhani, Dist. Prison Class-2,
at Parbhani .. Respondent

Mr. A.C. Bhagure, Advocate for the applicant
Mr. V.S. Badakh, APP for the respondent/State

CORAM : A.S. CHANDURKAR, J.
DATE : 28/11/2016

ORAL ORDER :

Heard.

2. The applicant, who has been arrested on 12/5/2016, seeks his release on bail in connection with Crime no.131 of 2016 registered at New Mondha Police Station, Dist. Parbhani for the offences punishable under Section 376(2)(i), 363 r/w. Section 34 of the Indian Penal Code and under Section 3 and 4 of the Protection of Children from Sexual Offences Act, 2012.

3. It is submitted on behalf of the applicant that as per the statement of the prosecutrix, the only allegation against the present applicant is that he had a talk on telephone with her. The other allegation is that the mother of the applicant and the applicant had sent the prosecutrix and Rahul - main accused in another room. The offence as alleged under Section 376(2)(i) of the Indian Penal Code read with Section 3 and 4 of the Protection of Children from Sexual Offences Act, 2012, is principally against Rahul - accused no.1.

4. After hearing learned counsel for the applicant as well as learned Additional Public Prosecutor, I find that chargesheet has already been filed on 18/6/2016. The investigation being complete and in view of statement of the prosecutrix dated 1/4/2016, implicating the main accused - Rahul in the aforesaid offence, I am inclined to favourably consider the present application.

5. Hence, the following order :-

ORDER

I) Criminal Application is allowed.

II) The applicant be released on bail pursuant to

his arrest in Crime no.131 of 2016 registered at New Mondha Police Station, Dist. Parbhani for the offences punishable under Section 376(2)(i), 363 r/w. Section 34 of the Indian Penal Code and under Section 3 and 4 of the Protection of Children from Sexual Offences Act, 2012, upon furnishing P.R. bond of Rs.15,000/- (Rs. Fifteen Thousand) with one surety in the like amount.

III) The applicant shall attend the Court of learned Sessions Judge, Parbhani on 10th of each month and as per the directions of the learned Sessions Judge.

IV) The applicant shall not take any steps to coerce the prosecutrix or the prosecution witnesses.

V) Breach of any of the conditions would entitle the State to seek cancellation of liberty of the applicant.

6. By stating that the observations in the present order are only for deciding the Bail Application, the Application is allowed and disposed of.

[A.S. CHANDURKAR]
JUDGE

arp/