

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

CRIMINAL APPLICATION NO. 6120 OF 2015

Sunil @ Gumba Hanya Vasave,
Age: 20 years, occu: Agriculture,
R/o: Vericha Patilpada,
Taluka Akkalkuwa,
District Nadurbar

...Applicant

versus

The State of Maharashtra

...Respondent

.....
Mr. Amit S. Savale, Advocate for applicant
Mr. U. S. Mote, A.P.P. for respondent
.....

CORAM : N.W. SAMBRE, J.

DATE : 8th JANUARY, 2016

ORAL ORDER :

The applicant is seeking regular bail in Crime No. 36/2014 registered with Molagi Police Station, Tq. Akkalkuwa, Dist. Nandurbar for the offence punishable under Sections 376, 506 of Indian Penal Code and under Section 5(G) read with Section 6 of the Protection of Children from Sexual Offences Act.

2. The applicant is arrested on 25th June, 2014 and after investigation is complete, chargesheet is already filed.

3. Learned Counsel for the applicant would urge that the

applicant is falsely implicated in the crime in question and so as to substantiate the same, he has invited attention of this Court to the fact that in the complaint, complainant has narrated her age as 15 years, which during the investigation was found to be above 18 years. He would then urge that it is claimed in the complaint that the applicant was caught on the spot while committing crime, however, instead of lodging complaint immediately, the applicant was in physical custody of the parents of the complainant, without any explanation, F.I.R. is lodged by one day delay.

4. According to him, custodial detention of the applicant is no more required in the matter.

5. Learned A.P.P. opposed the application on the ground that there are statement of eye witnesses. He would then urge that the forensic science report speaks of blood stains on the cloths of victim. There is prima facie case against the applicant and prayed for rejection of the bail application.

6. It is to be noted here that, investigation in the matter is complete and chargesheet is filed. Delayed lodging of F.I.R. by one day and the fact that applicant was caught red handed on the spot and thereafter he was not handed over to the police, is required to be

appreciate by this Court in favour of the applicant. Apart from above, forensic science report hardly supports to the prosecution apart from unexplained delay of one day and the conduct of the victim post offence.

7. In the light of above, in my opinion, it will be appropriate to order the release of the applicant. Hence the following order.

ORDER

The applicant be released on bail in connection with Crime No. 36/2014 registered with Molagi Police Station, Tq. Akkalkuwa, Dist. Nandurbar for the offence punishable under Sections 376, 506 of Indian Penal Code and under Section 5(G) read with Section 6 of the Protection of Children from Sexual Offences Act, upon furnishing P.R. Bond of Rs. 15,000/- with one surety in the like amount.

8. The application is allowed in above terms.

[N.W. SAMBRE, J.]