

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 6145 OF 2016

Rohit S/o Shrimant Bhaygude,
Age : 20 years, Occu.: Education and Agri.,
R/o Saramkundi, Tq. Vashi,
District – Osmanabad .. Applicant

Vs.

- 1] The State of Maharashtra,
Through Police Station,
Vashi, Tq. Vashi,
District – Osmanabad
- 2] The District Superintendent of Police,
Osmanabad .. Respondent

Mr. N.S. Tekale, Advocate for the applicant
Mr. R.V. Dasalkar, APP for the respondent/State

CORAM : A.S. CHANDURKAR, J.
DATE : 02/12/2016

ORAL ORDER :

Heard.

2. The applicant, who has been arrested on 24/10/2016 in Crime no.217 of 2016 registered at Vashi Police Station, Tq. Vashi, Dist. - Osmanabad for the offences punishable under Section 354(D)(1), 504 and 506 of the Indian Penal Code and under Section 12 of the Protection of Children from Sexual Offences Act, 2012, seeks his release on bail.

3. As per the FIR, on 28/9/2016, the applicant while riding his motorcycle, had seen daughter of the informant – Jayashree and after blowing the horn, had winked at her. He had also given threat to mother of said girl. Hence, report in that regard came to be registered.

4. It is submitted by learned counsel for the applicant that except offence under Section 12 of the Protection of Children from Sexual Offences Act, 2012 (for short "**the Act of 2012**"), all other offences are bailable in nature. He states that the motorcycle in question has been seized and statements have been duly recorded. According to him, in these peculiar facts and as applicant is aged about 20 years, he be released on bail.

5. The application is opposed by learned A.P.P. by relying upon the police papers. He refers to the statement of the victim recorded under section 164 of the Code of Criminal Procedure. According to him, as the victim was a minor, the applicant does not deserve to be released on bail.

6. Perused the police papers as well as the FIR. The offence under Section 12 of the Act of 2012, is punishable with imprisonment upto 3 years. Considering the statements made in the FIR and as the applicant is behind bars for more than 1 month, I am inclined to enlarge the applicant on bail, looking to his young age, by imposing conditions.

7. Accordingly, the following order :-

I) The Application is allowed.

II) Applicant is directed to be released on bail in connection with Crime no.217 of 2016 registered at Vashi Police Station, Tq. Vashi, Dist. - Osmanabad for the offences punishable under Section 354(D)(1), 504 and 506 of the Indian Penal Code and under Section 12 of the Protection of Children from Sexual Offences Act, 2012, on furnishing P.R. bond of Rs.15,000/- (Rs. Fifteen Thousand) with one surety in the like amount.

III) Applicant shall not enter the limits of village Saramkundi, Tq. Vashi, District – Osmanabad, till filing of the chargesheet, except for co-operating the investigation, as and when directed by the Investigating Officer.

IV) The applicant shall not attempt to influence the prosecution witnesses.

8. Observations made in this order are only for deciding the Bail Application.

9. Criminal Application is accordingly allowed and disposed of.

Sd/-

[A.S. CHANDURKAR]

JUDGE

arp/