

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

**CRIMINAL APPLICATION NO.6382 OF 2015**

SAYED SHAKOOR SAYED SHABBIR  
VERSUS  
STATE OF MAHARASHTRA.

...  
Advocate for Petitioner : R.S.DESHMUKH  
APP FOR RESPONDENT STATE : MR.S.M.GANACHARYA.  
...

**CORAM : N.W.SAMBRE,J.  
DATED : 12TH JANUARY,2016**

**PER COURT :-**

The applicant is seeking regular bail in Crime No.182/14 for offence punishable u/s 363, 366-A, 376(2)(i)(n)(j) 506 r.w. 34 of IPC and u/s 3(a), 4,5(1), 6,8,10,17 of POCSO Act, 2012.

2] Prosecution story in brief is that the victim Tabassum who is minor was taken by the present applicant alongwith him and has committed offence in question.

3] The applicant herein was arrested on 15/3/2015. After investigation in the matter is complete, charge sheet is already filed.

4] While trying to make out case for grant of bail, learned counsel

for applicant Shri Deshmukh would urge that even if statement of victim in simplicity is read, still it speaks of consent. He would then urge that the medical evidence has certified age of the victim Tabassum as between 18 to 19 years and as such according to him, the investigation supports the statement of victim which speaks of consent and as such he is entitled for bail as further detention is no more required.

5] Learned APP while strenuously opposing the application would urge that the applicant has established physical contact with the victim upon false promise of marriage. He would then urge that without marrying the victim, the applicant had established physical relationship with her against her wish. He has invited my attention to the statement of the victim and other witnesses so as to submit that there is prima facie evidence of commission of crime.

6] With the assistance of respective learned counsel, I have perused the charge sheet. Bare perusal of the statement of the victim Tabassum, coupled with the medical evidence, it would be easily inferred that the age of the victim was in between 18 to 19 years as is certified by the expert doctor. Apart from above narration, it was admitted by the victim that she was in touch with the applicant. Prima facie this Court has come to the conclusion that the it was with

consent as the victim was since long in touch of the applicant, she was presented with mobile phone by the applicant. In this view of the matter, in my opinion, it will be appropriate to release applicant on bail particularly since investigation in the matter is already complete.

7] Application is allowed. Applicant be released on bail on PR bond of Rs.15000/- with one solvent surety in the like amount.

**(S.W.SAMBRE,J.)**

**umg/**