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

CRIMINAL APPLICATION NO.6322 OF 2016

Mehaboob s/o Habib Shaikh,
Age: 22 years, Occ: Driver,
R/o. Janegaon, Tal. Kaij,
District Beed.

..APPLICANT

VERSUS

The State of Maharashtra,
Through Police Inspector,
Police Station, Yusufwadgaon,
Tal. Kaij, Dist. Beed.

..RESPONDENT

Mr S.B. Solanke, Advocate for applicant;
Mr A.D. Namde, Addl. Public Prosecutor for
respondent

CORAM : A.S. CHANDURKAR, J.

DATE : 22nd DECEMBER, 2016

ORAL ORDER :

The applicant, who has been arrested on 31st August, 2016 in connection with Crime No. 137 of 2015 registered with Yusuf Wadgaon Police Station, Taluka Kaij, District Beed, for the offences punishable under Sections 363, 366(A), 376(2)(i) of the Indian Penal Code and Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012, seeks his release on bail.

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2. As per the first information report dated 25th November, 2015, daughter of informant was reported to be missing. The offence under Section 363 of the Indian Penal Code came to be initially registered. After the victim was traced out and the applicant was arrested, other offences came to be added.

3. It is submitted by the learned Counsel for the applicant that considering the statement of the victim dated 2nd September, 2016, it was clear that she had accompanied the applicant and was residing with him for more than 9 months. He submitted that she had no grievance against the present applicant and was residing with him on her own accord. It is submitted that in view of these facts and as the investigation is now complete and charge sheet has been filed, the applicant deserves to be released on bail.

4. The application is opposed by the learned Additional Public Prosecutor by relying upon the

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police papers. It is submitted that the victim was minor when the alleged offence took place and therefore, the applicant was not entitled to be set free. It is submitted that various statements recorded indicated the role of the applicant in kidnapping the victim. Considering seriousness of the offence, the application was liable to be rejected.

5. Perused the charge sheet as well as the documents placed on record. The statement of the victim dated 2nd September, 2016 indicates that on 24th November, 2015 she on her own had left her house and had accompanied the applicant, after which, they had gone to Pune. They resided together for the intervening period till she was found. Same does not indicate any act done against her wishes. Though it is urged that the victim was minor when the alleged offence took place, considering the nature of the allegations and in view of the statement of the victim, I do not find that any purpose will be served in further

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detaining the applicant. The charge sheet has been filed after completion of investigation.

6. In view of aforesaid, the following order is passed : -

(i) The applicant is directed to be released on bail in connection with Crime No. 137 of 2015 registered with Yusuf Wadgaon Police Station, Taluka Kaij, District Beed, for the offences punishable under Sections 363, 366(A), 376(2)(i) of the Indian Penal Code and Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012, on furnishing P.R. bond of Rs.15,000/-, with one surety in the like amount.

(ii) The applicant shall attend the Court of learned Sessions Judge, Ambajogai, District Beed on 10th January, 2017 and thereafter as per the directions of the learned Sessions Judge.

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(iii) The applicant shall not take any steps to influence the prosecution witnesses.

7. The observations made in this order are only for the purposes of deciding present application.

8. Criminal Application is allowed and disposed of.

(A.S. CHANDURKAR, J.)

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