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

CRIMINAL APPLICATION NO.6699 OF 2015

Pravin @ Bablu Eknath Ahire ..APPLICANT

VERSUS

The State of Maharashtra ..RESPONDENT

Mr A.M. Nagarkar, Advocate for applicant;
Mr M.B. Bharaswadkar, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 13th January, 2016

ORDER :

By the present application under section 439 of the Code of Criminal Procedure, the applicant is seeking his release on bail, in connection with C.R. No.49 of 2015, registered with police station, Pimpalner, Taluka Sakri, Dist. Dhule, for offences punishable under sections 376 (1), (2), (3), 363, 366-A, 504 read with section 34 of the Indian Penal Code and section 4 of the Protection of Children from Sexual Offences Act, 2012.

2. As the investigation in the matter is complete and the charge-sheet is filed, learned Counsel appearing on behalf of the applicant submits that further detention of the applicant is not necessary. According to him, perusal of the first information report and other investigation papers depicts that the victim had voluntarily accompanied the applicant. He would then urge that the applicant is ready and willing to marry the victim.

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3. Learned Addl. Public Prosecutor has opposed the application on the ground that there is *prima facie* evidence against the applicant in respect of commission of offence punishable under section 376 of the Indian Penal Code. According to him, the application, therefore, deserves to be rejected.

4. Having considered rival submissions of the parties, apart from the delay of three days caused in lodging the first information report, perusal of the first information report and other investigation papers depicts that the victim had got engaged with the applicant before he was arrested.

5. Perusal of the investigation papers does not depict any physical or violent pressure on the part of the present applicant on the victim.

6. It is to be noted that the medical evidence, particularly upon examination of the victim does not speak of any external or bodily injury to the victim. The record rather speaks of voluntary sexual intercourse.

7. In that view of the matter, in my opinion, it will be appropriate to enlarge the applicant on bail. Thus, the following order :-

The applicant be released on bail, in connection with C.R. No.49 of 2015, registered with police station, Pimpalner, Taluka Sakri, Dist. Dhule, for offences punishable under sections 376 (1), (2), (3), 363, 366-A, 504 read with section 34 of the Indian Penal Code and section 4 of the

(3)

Protection of Children from Sexual Offences Act, 2012, on furnishing P.R.

Bond of Rs.25,000/- with one surety in the like amount.

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

amj