

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

CRIMINAL APPLICATION NO.6897 OF 2015

Kiran s/o Uttam Nalawade,
Age 30 years, Occu. Agri.,
R/o Somthane – Nalawade,
Taluka Pathardi,
District Ahmednagar

.. Applicant

Versus

The State of Maharashtra,
through Police Station, Pathardi,
District Ahmednagar

.. Respondent

Mr V.B. Garud, Advocate for applicant
Mr S.Y. Mahajan, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 13th January 2016

PER COURT

Heard.

2. The applicant is seeking pre-arrest bail in Crime No.I-372/2015, registered on 4th December 2015 for an incident dated 30th November 2015, punishable under Sections 354-A (1), 452 of Indian Penal Code, under Sections 7 and 8 of the Protection of Children from Sexual Offences Act, 2012 and under Sections 3 (1) (xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. It is the case of the applicant that there is an unexplained delay in lodging the F.I.R. Apart from above, the village politics, according to applicant has prompted the lodging a false complaint, as the panel headed by Uttam, father of the applicant has got majority in the village panchayat elections, in which the aunt of the victim came to be defeated.

4. Learned Counsel for the applicant then would urge that on the date of the incident, as is claimed, the victim, as on 30th November 2015 has attended the school.

5. Learned A.P.P., while relying upon the investigation papers has opposed the bail and has invited attention of this Court to the statement of one Maya, who has confirmed about the incident narrated in the F.I.R. He would then urge that the custodial interrogation of the applicant is necessary so as to ascertain his presence.

6. Perused the investigation papers. It is to be noted that the delay in lodging the F.I.R. is not explained. It is further claimed by the victim that on 30th November 2015, the incident took place at around 8.00 a.m., however, on the same day and subsequent thereto, the victim has attended the school which speaks of her stable mental condition. Apart from above, false implication cannot be ruled out in view of village politics, particularly outcome of the results of village panchayat elections. In view thereof, it will be appropriate, in my opinion, to order release of the applicant.

7. In the event of her arrest in Crime No. I-372/2015, registered on 4th December 2015 for an incident dated 30th November 2015, punishable under Sections 354-A (1), 452 of Indian Penal Code, under Sections 7 and 8 of the Protection of Children from Sexual Offences Act, 2012 and under Sections 3 (1) (xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, the applicant be released on bail, upon furnishing P.R. Bond of Rs.15,000/- (Rs. Fifteen thousand) with one surety in the like amount.

8. Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

(vvr/