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

CRIMINAL APPLICATION NO.6913 OF 2015

Pratik Dadabhau Pulate

..APPLICANT

VERSUS

The State of Maharashtra

..RESPONDENT

Mr Rahul R. Karpe, Advocate for applicant;

Mr S.M. Ganachari, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 25th January, 2016

ORDER :

By the present application under section 439 of the Code of Criminal Procedure, the applicant seeks his release on bail, in connection with C.R. No.I-55 of 2015, registered with Ashvi police station, Tq. Sangamner, Dist. Ahmednagar, for offences punishable under sections 354 (A), (C), (D), 376 (2) (I), 506 and 201 of the Indian Penal Code and under sections 4, 5 (I), 6 and 8 of the Protection of Children from Sexual Offences Act.

2. The prosecution case appears to be that victim Sonali, a minor, happened to be maternal aunt's daughter of the applicant, was alleged to have been raped by him, resulting into registration of the above referred crime.

3. While trying to make out a case for grant of bail, Mr Karpe, learned Counsel appearing on behalf of the applicant would urge that the

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investigation in the matter is complete and charge-sheet is also filed. Learned Counsel then would urge that even if the age of the victim is stated to be 16 years, the entire investigation narrates a love story between the victim and the applicant. According to him, the relation between the applicant and victim is also apparent from the investigation papers. Thus, he prayed that the applicant be released on bail.

4. Learned Addl. Public Prosecutor has opposed the application on the ground that there is strong *prima facie* evidence available against the applicant to connect him with commission of the crime in question. Thus, he prayed to reject the application.

5. With the assistance of the learned Addl. Public Prosecutor, perused the investigation papers/charge-sheet. It is not in dispute that the applicant is a student of B.Sc. and is related to the victim. It could easily be inferred from the investigation papers that the applicant and the victim were in love with each other and the investigation papers rather speak of consent by the victim, though she was a minor.

6. Apart from above, it could be noted that there are no criminal antecedents against the applicant, who is a college student.

7. In my opinion, further detention of the applicant is not necessary, particularly when the investigation in the matter is complete and charge-sheet is also filed. The medical examination depicts no injury on the victim.

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The seizure of the mobile phone of the applicant does not depict any contents of the victim, as alleged in the first information report, nor the Investigating Officer has made any efforts to retrieve the data from the mobile, though it was claimed that the relevant material was deleted by the applicant.

8. In the above background, in my opinion, the applicant is entitled to be released on bail. I, therefore, pass the following order :-

The applicant be released on bail, in connection with C.R. No.I-55 of 2015, registered with Ashvi police station, Tq. Sangamner, Dist. Ahmednagar, for offences punishable under sections 354 (A), (C), (D), 376 (2) (I), 506 and 201 of the Indian Penal Code and under sections 4, 5 (I), 6 and 8 of the Protection of Children from Sexual Offences Act, on furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

The applicant shall not tamper with the prosecution evidence and shall not enter the jurisdiction of the concerned police station till conclusion of the trial, save and except for attending the trial.

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

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