

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.276 OF 2016

Bhagvan Bapu Biranje & Anr.	...	Applicants
Vs.		
The State of Maharashtra	...	Respondent

Mr. Ganesh Gole, Adv. for the applicants.
Mr. D.P. Adsule, APP for the State.

CORAM : SMT ANUJA PRABHUDESSAI, J.
DATE : 29th February, 2016.

P.C. :

1. This is an application for anticipatory bail filed by the aforesaid applicants apprehending their arrest in Crime No.9 of 2016 registered with Hupari Police Station for offences punishable under Sections 376, 504, 506 & 509 r/w.34 of the IPC and under Sections 4, 8 & 12 of the Prevention of Children from Sexual Offences Act, 2012 POCSO Act.

2. Heard Mr. Gole, the learned counsel for the applicants and Mr. Adsule, the learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by the brother of the victim. The FIR prima facie reveals that the victim had left the house along with the co-accused Satish. It is alleged that the co-accused Satish had sexually abused a minor girl. The applicants herein are related to the main accused Satish. The FIR as well as the statement of the victim does not prima facie indicate that the applicants were involved in enticing the victim to leave the house or that they had sexually abused the victim. The above facts and circumstances, do not justify custodial interrogation.

4. Hence the application is allowed on the following terms and conditions.

(i) In the event of arrest of the applicants in Crime No.9 of 2016 registered with Hupari Police Station, the applicants shall be released on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand Only) each with one or two sureties in the like amount to the satisfaction of the Addl. Sessions Judge, Ichalkaranji.

(ii) The applicants shall report to the investigating officer for 4 days from 10 am to 1 pm from the date of receipt of this order.

(iii) The applicants shall not tamper with the evidence or influence

complainant and the other witnesses in any manner.

(ANUJA PRABHUDESSAI, J.)