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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1577 OF 2016

Avinash Navnath Lakade	..Applicant.
V/s.	
State of Maharashtra	..Respondent.

Mr.Ganesh Shelar for the applicant.

Mr.Arfa Sait, APP for respondent-State.

Mr.Shrikanth Kangade, API, Rahimtpur Police Station,
Koregaon, Satara.

CORAM : A.M.BADAR, J.

DATED : 10TH AUGUST, 2016

P.C. :-

1. The applicant / accused in Crime No.27/2016 for the offences punishable under section 376 (1) (2)(f) and 452 of the Indian Penal Code and under sections 3(a)(b), 4, 5(l), 6, 7 and 8 of the Protection of Children from the Sexual offences Act, 2012 registered with Rahimtpur Police Station, District Satara by this application is seeking his release on bail after filing of the charge-sheet.

2. Heard the learned counsel for the applicant / accused. He argued that the applicant is a student and is aged about 20 years. His incarceration in jail will effect his overall development.

3. The learned APP opposed the application by contending that the nature of offence, mode and the manner in which the teenaged girl is sexually exploited by the applicant is required to be considered. The learned APP submitted that the evidence collected by the prosecution unerringly points out the commission of the alleged offence by the applicant.

4. Perused the charge-sheet including the statements of the informant / mother as well as that of the victim child. According to the prosecution case as reflected from statements of witnesses as well as the statement of the victim child, the present applicant used to come to the house of the victim child, who is a teenaged girl of about 10 years when she used to be all alone in the house. Then, it is averred that the applicant used to kiss the teenaged child and he used to commit rape on her.

5. Perusal of the averments made in the application goes to show that the present applicant is 20 years young boy and it is stated that he is taking education in second year B.com course. It is not pointed out that the present applicant has any criminal antecedents.

6. The investigation of the crime in question is over. The offence alleged is very serious but at the same time, the applicant is also a young boy. Instead of allowing him to be in the company of hardened criminals in prison, his liberty can be restored to him by imposing suitable conditions. Therefore, the order :-

- (i) The application is allowed;
- (ii) The applicant / accused in Crime No.27/2016 for the offences punishable under section 376 (1)(2)(f) and 452 of the Indian Penal Code and under sections 3(a)(b), 4, 5(l) (m), 6, 7 and 8 of the Protection of Children from the Sexual offences Act, 2012 registered with Rahimtpur Police Station, District Satara be released on bail on his executing P.R. bond in the sum of Rs.25,000/- with one or

more surety in the like amount;

- (iii) As a condition of this order, the applicant / accused shall not enter in Koregaon Taluka, District Satara till the disposal of the trial against him.
- (iv) The applicant / accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade him / her from disclosing such facts either to the Court or to any police officer and that he shall not tamper with the evidence;
- (v) The applicant / accused shall inform his latest place of residence and cell number after his release and continue to inform the change in residence or cell number, if any, from time to time to the Investigating Officer of the concerned police station and on filing the charge-sheet to the concerned Court;
- (vi) The applicant / accused shall co-operate for expeditious disposal of the trial against him by attending each and

every date of hearing;

(vii) The applicant / accused shall not commit an offence similar to the offence of which he is accused or suspected of commission;

(viii) The application is disposed of accordingly.

(A.M.BADAR, J.)