

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

CRIMINAL APPLICATION NO. 151 OF 2017

Gabaji s/o Bharat Pachpandav

..Applicant

Versus

The State of Maharashtra,
through Police Inspector,
Ashvi Police Station,
Taluka Sangamner,
District Ahmednagar

..Respondent

Mr S.S. Dixit, Advocate for applicant
Mr V.S. Badakh, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 30th January 2017

PER COURT

1. In C.R. No.I-44/2016, after investigation, charge-sheet came to be filed and the applicant was arrested on 3rd August 2016, for the offences punishable under Sections 363, 366-A, 376 of the Indian Penal Code and under Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012.
2. The applicant is seeking regular bail on the ground that the victim is above seventeen years of age.
3. There are no criminal antecedents and custodial interrogation of the applicant is already over, as the charge-sheet is filed. Applicant has also tried to impress upon the Court that incident has occurred out of love affair between the complainant and applicant.
4. Learned Addl. Public Prosecutor opposed the application on the ground that the age of the victim girl is below eighteen years and her

consent for sexual intercourse is immaterial. According to him, the offence is serious one and is punishable with ten years imprisonment.

5. What can be gathered from the record, the age of the victim girl is seventeen years and it is out of love affair with the applicant, she eloped and stayed with him for one month having traveled from one place to another.

6. Investigation in the matter is complete and charge-sheet is filed.

7. In the above background, in my opinion, further detention of the applicant is not necessary.

8. As such, Criminal Application stands allowed.

9. The applicant be released in Crime No.I-44/2016, registered at Ashvi Police Station, Taluka Sangamner, District Ahmednagar, for the offences punishable under Sections 363, 366-A, 376 of the Indian Penal Code and under Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012, upon furnishing P.R. bond of Rs.15,000/- with one or two sureties in the like amount.

10. The applicant shall not enter jurisdiction of Ashvi Police Station for a period of six months from today.

11. The applicant shall not influence the prosecution witnesses and shall not tamper with the prosecution evidence.

(N.W. SAMBRE, J.)