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

CRIMINAL APPLICATION NO. 284 OF 2017

Nitin s/o Bhausaheb Bhodkhe,
Age: 26 years, Occu: Agri.,
R/o. Ranjangaon pol, Tq. Gangapur,
Dist. Aurangabad

..APPLICANT

VERSUS

1. The State of Maharashtra,
Through the Superintendent of Police,
Aurangabad
2. The In-charge Investigation Officer,
Police Station, Shillegaon, Tq. Gangapur,
Dist. Aurangabad

..RESPONDENTS

Mr V. S. Undre, Advocate for applicant;
Mr V. S. Badakh, Addl. Public Prosecutor for respondent

CORAM : N. W. SAMBRE, J.

DATE : 14th February, 2017

ORAL ORDER

By this application under Section 439 of the Code of Criminal Procedure, the applicant seeks his release on bail, in connection with C.R. No.156 of 2016, registered with police station Shillegaon, Tq. Gangapur, Dist. Aurangabad, for offences punishable under Sections 363, 366, 376 (2) (i), 109 of the Indian Penal Code and Sections 4, 8, 11 (1) and 12 of the Protection of Children from Sexual Offences Act.

(2)

2. The applicant came to be arrested on 23rd August, 2016 and was subjected to custodial interrogation. After completion of investigation, charge-sheet is filed.

3. The present applicant along with one Rekha, co-accused Ganesh and a minor girl Shahista (aged about 16 years) left the village. The applicant got married with Rekha, whereas co-accused Ganesh with minor girl Shahista, resulting into registration of crime in question.

4. The role attributed to the present applicant is, Shahista being a minor girl, present applicant aided and abetted the crime in question.

5. While seeking regular bail, it is brought to my notice that the role attributed to the present applicant is that of giving company to co-accused Ganesh for eloping with Shahista.

6. If the statement of victim Shahista recorded under Section 164 of the Code of Criminal Procedure is perused, it reveals that she has attributed the offence of rape against co-accused Ganesh and the allegation against the present applicant is that of abetment.

7. As the investigation in the matter is complete, charge-sheet is filed and there are no criminal antecedents, in the above referred backdrop, particularly role attributed to the present applicant, in my opinion, he deserves to be released on bail.

(3)

8. In view thereof, I pass following order:-

The applicant be released on bail, in connection with C.R. No.156 of 2016, registered with police station Shillegaon, Tq. Gangapur, Dist. Aurangabad, for offences punishable under Sections 363, 366, 376 (2) (i), 109 of the Indian Penal Code and Sections 4, 8, 11 (1) and 12 of the Protection of Children from Sexual Offences Act, on furnishing P.R. Bond of Rs.15,000/- with one or two sureties for the like amount.

The applicant shall not take any steps to influence the prosecution witnesses or tamper with evidence.

Criminal Application stands allowed in above terms.

(N. W. SAMBRE, J.)

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