

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

7 CRIMINAL APPLICATION NO. 1302 OF 2017

**BHUSHAN @ LAXMIKANT ASHOK WANKHEDE
VERSUS
THE STATE OF MAHARASHTRA**

Shri. Amol S. Sawant, Advocate, for applicant.

Shri. A.A. Jagatkar, Additional Public Prosecutor, for
respondent.

Coram: T.V. NALAWADE, J.

Date: 3 May 2017

ORDER:

1) The application is filed for bail. Statement was made that this is the first application filed in this Court for bail. Both sides are heard. Papers of investigation were made available for perusal.

2) The crime is registered at CR No.98/2016 in Azad Nagar Police Station, District Dhule for offences punishable under section 376 (i) (n), 504, 506, 34 of the Indian Penal Code and section 4 of the Protection of Children from Sexual Offences Act, 2012. The victim girl

has given age as 17 years. It is her case that in 2015 present applicant established contact with her as he used to reside in the vicinity of her house. It is her case that on one day he had sex with her in early morning on the first floor of his house. It is her case that since then she had physical relations with present applicant. It is her case that similarly she came in contact with other person namely one Dhiraj Wagh and she had physical relation with her also. As she missed menstrual period in March 2016, she disclosed the incident to her mother and others and then report was given on 11-9-2016. Submissions made show that she has delivered a child.

3) During investigation blood samples of two boys and the present applicant were sent for D.N.A. test. This Court is avoiding to mention the opinion given in D.N.A. test. But due to that opinion this Court holds that it is not desirable to keep the applicant behind the bars till the disposal of the case which is filed against him. The applicant is behind the bars since 11-9-2016.

4) In the result, the application is allowed. The applicant is to be released on bail in Crime No. crime is registered at CR No.98/2016 in Azad Nagar Police Station, District Dhule for offences punishable under section 376 (i) (n), 504, 506, 34 of the Indian Penal Code and section 4 of the Protection of Children from Sexual Offences Act, 2012 on his furnishing Personal Bond of Rs.40,000/- (Rupees Forty Thousand Only) with one or more solvent sureties in the like amount. The applicant is not to tamper with prosecution witnesses. He is not to commit similar offences. He is not to visit the residential place and its vicinity of the prosecutrix till disposal of the case.

Sd/-
(T.V. NALAWADE, J.)

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