

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

CRIMINAL APPLICATION NO. 1621 OF 2017

Kalyan @ Kallu s/o. Santosh Mhaske .. Applicant
Age. 22 years, Occ. Labour,
R/o. Krasna Nagar, Ranjangaon
Shen-punji, Tq. Gangapur,
Dist. Aurangabad.

Versus

The State of Maharashtra .. Respondent

Mr.R.D. Thorat, Advocate for the applicant.
Mr.S.W. Munde, A.P.P. for respondent/State.

CORAM : T.V. NALAWADE, J.
DATED : 12.04.2017

P.C. :-

1. The application is filed for bail. Both sides are heard. The papers of investigation were made available by the learned A.P.P. to this Court for perusal.

2. The crime is registered on the basis of report given by a victim girl aged 16 years vide Crime No.549 of 2016, registered with MIDC Police Station, Waluj, Dist. Aurangabad, for the offences punishable under sections 354(d), 323, 504, 506 of the Indian Penal Code and under section 12 of the Protection of Children from Sexual Offences Act, 2012.

3. The incident took place on 10.10.2016 after 07.00 a.m. The allegations are made that when the victim girl and her sister were proceeding to grocery shop, the applicant came on motor cycle. He intercepted them and held hand of victim girl and asked for kiss. The sister of the prosecutrix intervened. The applicant assaulted the sister of the victim girl. He even tried to throttle her. As they shouted, he ran away. Prior to that he also harassed them by giving chase, holding hand and dragging them. On 09.10.2016 the mother of the victim girl tried to convince the applicant and the matter of the applicant to behave well, but mother of the applicant assaulted the mother of the victim girl. There is statement of mother of the victim girl regarding this incident.

4. Learned A.P.P. submitted that the applicant is gunda by nature and Crime No.75 of 2015 was registered against him for offences punishable under sections 326, 323, 504 read with 34 of the Indian Penal Code. He submitted that even on the previous day of the incident, report was given against the applicant, still the applicant showed courage and on the road he had held hand of the victim girl.

5. Though there are aforesaid circumstance, but the

fact remains that the applicant is behind the bar since 11.10.2016. It is not certain how much time will be required for disposal of the case. Therefore, this Court holds that bail can be granted to the applicant subject to conditions.

i. In the result, the application is allowed.

ii. The applicant – Kalyan @ Kallu s/o. Santosh Mhaske be released on bail, in connection with Crime No. 549 of 2016, registered at MIDC Police Station, Waluj, dist. Aurangabad, for the offences punishable under sections 354(d), 323, 504, 506 of the Indian Penal Code and under section 12 of the Protection of Children from Sexual Offences Act, 2012, on his executing PR & SB of Rs.30,000/- (Rupees Thirty Thousand) with one solvent surety in like amount. The applicant is not to tamper the prosecution witnesses and he is not to commit similar offence.

iii. The applicant is not to enter village Ranjangaon Shen-Punji, Tq. Gangapur, Dist. Aurangabad, till disposal of the case, which is filed against him.

[T.V. NALAWADE, J.]