

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

906 CRIMINAL APPLICATION NO. 2624 OF 2017

VILAS S/O. PRABHAKAR SALVE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Sudarshan J. Salunke.
APP for Respondent : Mr. S. B. Joshi.

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CORAM : **K. L. WADANE, J.**
DATE : 14th June, 2017.

P.C.:

. Heard the learned counsel for Applicant and the learned APP.

2 This is an application by the Applicant under the provisions of Section 439 of the Code of Criminal Procedure in connection with Crime No.139 of 2017, registered with Gangakhed Police Station, Parbhani on 8th April, 2017 for the offences punishable under Sections 363, 366-A and 376 of the Indian Penal Code and under Sections 3, 4, 16 and 17 of the Protection of Children from Sexual Offences Act, 2012.

3 The informant, father of the victim prosecutrix namely Sampat Tandale lodged a complaint to the police station on 8th April, 2017 alleging that on 7th April, 2017 at about 17:15 hours, his daughter who was taking education in Mamta Girls School, Gangakhed had been to

a shop and subsequently went to the house. However, his daughter disappear and did not return. The Complainant inquired and during the inquiry it was revealed that another Accused namely Vikas also disappeared from his house. Initially the offence was registered under Section 363 and 366 of the Indian Penal Code. During investigation the statement of the prosecutrix recorded on 6th May, 2017 alleging that on 7th April, 2017 she went with Accused Vikas by private vehicle from Gangakhed to Taloda Phata, Parbhani. Thereafter, the prosecutrix and Vikas resided in the cattle-shed / hutment in the field of maternal aunt, where Accused Vikas under the assurance of marriage committed sexual intercourse repeatedly. From the supplementary statement, the prosecutrix has alleged that the present Applicant and his brother Vishal had been there and they paid certain amount to Vikas, which was given by the parents. This is the only allegations against the present Applicant. There are no allegations against the present Applicant in connection with commission of offence of kidnapping or rape. The Accused was arrested on 5th May, 2017. He was in PCR till 8th May, 2017. His custodial interrogation is over. Considering the nature of allegations levelled against the present Applicant, I am of the opinion that no further detention of the Applicant is needed. Therefore, he can be released on bail. Hence, the

following order:

ORDER

- I) The criminal application is allowed.
- II) The Applicant be released on bail on furnishing P.R. Bond in the sum of Rs.20,000/- (Rupees Twenty Thousand Only) with one surety in the like amount.
- III) The Applicant shall attend the Gangakhed Police Station on every Sunday between 10:00 am to 12:00 noon till filing of the charge-sheet.
- IV) The Applicant shall not enter the vicinity where the prosecutrix and her father resides.

[K. L. WADANE, J.]

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