

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

BAIL APPLICATION NO.1297 OF 2022

Datta Laxman Adagale

..Applicant

Vs.

The State of Maharashtra
and anr.

..Respondents

Mr.S.E.Shekade, Advocate for applicant

Mr.V.S.Badakh, APP for respondent no.1

Mr.A.V.Lavate, Advocate for respondent no.2

CORAM : R.G. AVACHAT, J.

DATE : SEPTEMBER 16, 2022

ORDER :-

This is an application under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.0149 of 2022 registered with Beed Rural Police Station, Dist.Beed, for the offences punishable under Sections 354, 354-A, 376, 376(2)(j) of Indian Penal Code and Sections 4, 8, 9(l), 9(m),(9n) and 10 of Protection of Children from Sexual Offences Act ("POCSO Act", for short)

2. Heard learned counsel appearing for the parties.

3. The applicant is none other than the step-father of a 12 years old victim, who is alleged to have committed rape of her.

The FIR has been lodged by the mother of the victim. Based on the FIR, crime was initially registered for the offences punishable under Section 354 and 354-A of Indian Penal Code and the related offence under the POCSO Act. Seventeen days after registration of the FIR, the victim and her mother gave statements, attributing the applicant to have committed rape of the victim. Section 376 of I.P.C., therefore, came to be invoked. It is informed that the victim refused to undergo the medical screening.

4. On investigation, charge sheet has been filed. The mother of the victim has no objection to grant the applicant bail. In this factual scenario, the application deserves to be allowed.

5. Hence, the following order:-

(i) The application is allowed.

(ii) The applicant be released in connection with Crime No.0149 of 2022 registered with Beed Rural Police Station, Dist.Beed, for the offences punishable under Sections 354, 354-A, 376, 376(2)(j) of Indian Penal Code and Sections 4, 8, 9(l), 9(m), (9n) and 10 of Protection of Children from Sexual Offences Act, on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

(iii) If the applicant indulges in the similar offence, his bail may be cancelled.

[R.G. AVACHAT, J.]

KBP