

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH, NAGPUR

Criminal Application (BA)No.74/2015  
Pradip s/o Parimal Biswas Vs. State of Maharashtra.

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Notes, Office Memoranda of  
Coram, appearances, Court's orders  
or directions and Registrar's orders.

Court's or Judge's  
Orders.

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Shri A.R. Wagh, Advocate for the applicant.  
Ms. Jachak, APP for the non-applicant/respondent.

**CORAM : PRASANNA B.VARALE, J.**  
**DATE : FEBRUARY 25, 2015.**

Heard Shri Wagh, the learned Advocate for the applicant and Ms. Jachak,  
the learned APP for the non-applicant-respondent.

The applicant is before this Court seeking his enlargement on bail in  
connection with Crime No.27/2014 registered at Police Station, Aheri for the  
offence punishable under Section 376(d) of the Indian Penal Code and Sections 4  
and 6 of the Prevention of Sexual Harassment of Child Act.

The learned counsel for the applicant submitted that the applicant was  
arrested on the next day of lodgement of the report dated 30.6.2014 and since  
then he is behind bars. The learned counsel further submits that the investigation is  
completed and concluded in filing charge-sheet. There is nothing to recover at the  
instance of the applicant. Though, the learned counsel made submissions on the  
merits of the application, in the alternate, he submitted that considering the fact  
that the applicant is young boy of 20 years, the trial be expedited. With the

assistance of the learned counsel for the applicant and the learned APP, I have gone through the material placed on record. It is not in dispute that the investigation is concluded in filing charge-sheet. The report lodged at the instance of the victim show that the applicant had an acquaintance with the victim on 28.6.2014. The victim was waiting at bus-stand in the afternoon along with one Dulichand, who is the cousin of the victim. In the late evening at about 8.00 to 8.30 the applicant reached the spot on a motorcycle. The motorcycle was apprehended and the applicant was told by another accused Kishor to drop the boy along with the girl. Though the victim sensing some mischief asked Kishor to take her to the place where her brother is directed to be dropped. The other accused Kishor paid no heed. Then he snatched victim towards Nala and committed rape on her. Till that time, the applicant also reached spot and the victim was subjected to sexual exploitation at the hands of the applicant also. The victim felt unconscious. She was carried by other accused Kishor and applicant on the motorcycle and was dropped at a place i.e. in front of the house of one Sughanda Madavi. The applicant and other accused dropped the victim there and other accused forcefully kept an amount of Rs. 60/- in the appraisals of the victim and gave threat that she should not disclose the incident to anybody. Accordingly, the report was lodged.

In the process of collection of the evidence, the necessary steps were taken by the Investigating agency, such as drawing spot panchanama, recovery of the appraisals worn by the accused persons and victim by the accused persons. The material collected was forwarded to forensic lab and the for any chemical analysis to a laboratory. The victim and the applicant and other accused were subjected to medical examination. The statements recorded by the Investigating Agency

supports the case of the prosecution and more particularly, the statement of one neighbour Savitri Gawade to whom immediate disclosure made by the victim of the incident. The statement also reveals that this witness verified the fact of forceful sexual exploitation of the victim.

Thus, considering the material, in my opinion, it is sufficient to show the involvement of the applicant in a serious offence. Merely because the applicant is young boy and was arrested and is behind bars for the period of 8-9 months, cannot be a reason either to enlarge the applicant on bail or allow the prayer for direction to expedite the trial. Considering these aspects, I am not inclined to allow the application. Hence, the application is thus rejected.

**JUDGE**

*Ambulkar*