

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

Criminal Application (BA) No. 338 of 2015

(Dharmpal S/o Devidas Gajbhiye Vs. The State of Mah. through P.S.O., P.S.
Yashodharanagar, Dist. Nagpur)

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

Court's or Judge's order

Shri T. G. Bansod, Advocate for applicant
Shri S. B. Ahirkar, APP for the State

CORAM : P. B. VARALE, J.

DATE : 21-7-2015.

Heard learned counsel Shri Bansod for the applicant and learned APP Shri Ahirkar for the State.

By the present application, the applicant is seeking his enlargement on bail in connection with Crime No. 308/2014 registered at Police Station, Yashodharanagar, Nagpur City for the offences punishable under Section 376(2)(i) of the Indian Penal Code and Sections 3 and 4 of the Protection of Children from Sexual Offences Act.

With the assistance of learned counsel for the applicant as well as learned APP, I have gone through the material placed on record. The report as well as the other material placed on record show that a minor girl of hardly 4 years of age is sexually exploited by the applicant. The statements collected by the investigating agency in the process of investigation, the medical certificate and the spot panchanama clearly reveal the involvement of the applicant in commission of the crime. Though it was

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attempt made by the learned counsel for the applicant to submit that the applicant was incapable of performing any sexual act and as such, the allegations against the applicant are baseless, false and made due to some rivalry. This attempt of the learned counsel fails on the backdrop of the fact that the medical certificate mentions about temporary impotency of the applicant. Apart from this fact, the material clearly reveals that the applicant is involved in an act attracting provisions of the Protection of Children from Sexual Offences Act, 2012. Thus, considering the material, in my opinion, this is not the case to enlarge the applicant on bail. Thus, the application being meritless deserves to be rejected and same stands rejected accordingly.

JUDGE

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