

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

Criminal Application (BA) No. 387 of 2015

(Manoj S/o Chhaganlal Meshram Vs. The State of Mah. through the P.S.O.,
Deori , District Gondia)

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

Court's or Judge's order

Shri P. R. Puri, Advocate for the applicant
Shri V. A. Thakare, APP for the State

CORAM : P. B. VARALE, J.

DATE : 24-7-2015.

Heard Shri P. R. Puri, learned counsel for the applicant.

The applicant is seeking his enlargement on bail in connection with Crime No. 9/2015 registered at Deori Police Station, District Gondia for the offences punishable under Sections 376(D), 363, 506 read with Section 34 of the Indian Penal Code and Sections 4, 5(g) and 6 of the Protection of Children from Sexual Offences Act.

The report lodged at the instance of the victim girl, aged 14 years, reveals that on 26-1-2015 as the girl had been to the school for attending the flag hoisting ceremony and after that at about 9.30 a.m., she proceeded to a shop for purchasing chocolate, two boys who were standing near the flyover gave call to her and asked her to ride on the motorcycle. In spite of her strong resistance, these two boys forcibly carried the girl towards the forest. The girl was then sexually exploited by both these boys. She

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was left at the spot and these two boys fled away from the spot. While the girl was proceeding back to her house met with an elderly lady who made enquiry with the victim girl as the girl was having pain in her leg. The elderly lady also provided her some first aid. The victim girl then reached the school and found two schoolmates. She disclosed the incident to schoolmates. One of the school-mates informed that one boy was the accused Sandip Kawadkar. On receiving report, the investigating agency set in motion and on collection of material, charge-sheet is filed.

Learned counsel Shri Puri for the applicant vehemently submitted that the report refers to sole identified boy and on such vague material, the applicant is arrested and now, he is behind the bars. Shri Puri further submits that in the report itself, victim refers two boys who have allegedly exploited by referring to the apparels worn by these two boys. He submits that on the material collected by the investigating agency, other accused Sandip who was behind bars approached the learned Sessions Judge for seeking his enlargement on bail and the application is allowed by the learned Sessions Judge. The learned counsel thus prays for the enlargement of the applicant on bail.

Learned APP opposes the application by inviting my attention to the material supporting the case of prosecutrix/victim. Learned APP invited my attention to the statements of the material witnesses.

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Learned APP further submits that the order passed by the learned Sessions Judge granting bail to the accused Sandip Kawadkar is challenged by the State by filing an application before this Court and this Court was pleased to issue notices on said application and as such, the enlargement of Sandip Kawadkar on bail is in question before this Court.

I have gone through the material collected by the investigating agency. Apart from the report which clearly reveals an act of sexual exploitation of a minor girl, the other material namely, statements of witnesses such as that of elderly lady who provided an immediate first aid to the victim girl and making some enquiry of victim, statement of two schoolmates who were in position to identify one of the accused and the very important material is in nature of the identification of the present applicant/accused by the victim in a duly conducted identification parade, further there are also the statements of the members of management running the school and the members of the teaching staff in the said school to whom the victim discloses the incident immediately, in my opinion, this is not a case to grant the prayer of enlargement of the applicant on bail. The application thus, being meritless, deserves to be rejected and the same is accordingly, rejected.

JUDGE

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