

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [BA] No. 414 of 2015
[Rahul Vasant Jagzape Vs. State of Maharashtra]

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

Court's or Judge's orders

Mr. M.A. Bapat, Adv., for the Applicant.
Mr. Modak, APP for respondent.

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CORAM : V.M. DESHPANDE, J.

DATE : 31st August, 2015.

01. Heard Shri M.A. Bapat, learned counsel for the Applicant and Shri A.D. Sonak, learned APP for the respondent – State.

02. The applicant is arrested in connection with Crime No. 148/14 registered with Police Station, Bramhapuri, for the offences under Section 376 (2) (1) of Indian Penal Code, and Sections 4, 5 (m) and 6 of the Protection of Children from Sexual Offences Act, 2012.

03. The investigation is over. The Charge-sheet is already presented before the Court of Law. During

investigation, the ossification test of the prosecutrix was conducted and the Radiologist opined that the age of the prosecutrix is between 16 and 17 years.

04. Looking to the nature of the accusation made in the FIR and the fact that as per the opinion of the Radiologist, the age of the prosecutrix is between 16 and 17 years and when the investigation is already over and charge-sheet is filed, in my view, further custodial presence of the applicant is not necessary. That leads me to pass the following order:-

ORDER

- [a]** Criminal Application [BA] No. 414 of 2015 is allowed.
- [b]** The Applicant – Rahul son of Vasant Jagzape be released on bail on he executing a Personal Bond in the sum of Rs. 25,000-00 [rupees twenty-five thousand only] with one surety of like amount in connection with Crime No. 148/14 registered with Police Station, Bramhapuri, for the offences under Section 376 (2) (1) of Indian Penal Code, and Sections 4, 5 (m) and 6 of the Protection of Children from Sexual Offences Act, 2012.
- [c]** The Applicant shall attend the Police Station

once in a fortnight, preferably on very Sunday, between 3.00 p.m. and 5.00 p.m. till the charge is framed by the court below.

[d] The applicant shall follow the further conditions imposed upon him by the court below after framing of the charge.

[e] The applicant shall not try to influence the prosecutrix in any way and by any means.

[d] With this, application is allowed and disposed of.

Judge

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