

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

CRIMINAL APPLICATION (ABA) NO.313/2015

(Amar Vitthalrao Khandalkar ..vs.. State of Maharashtra, through PSO P.S.
Yavatmal City, Tq. Dist. Yavatmal)

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

Court's or Judge's orders.

Mr. Mir Nagman Ali, Advocate for applicant.
Mrs. Jain, A.P.P. for non applicant-State.

CORAM : A.B. CHAUDHARI, J.

DATE : JULY 1, 2015.

Heard learned counsel for the rival parties.

Learned counsel for the applicant contended that no offence under Section 3(1) (X) of the SC & ST Prevention of Atrocities Act is made out. However, I find that offence punishable under Section 354 (d) of the IPC is made out, which is a non bailable offence.

Following are the reasons recorded by the learned trial Judge while rejecting application filed by the applicant for grant of bail.

“3. Perused case diary. On perusal of the same, it has become clear that the prosecutrix had given report against applicant/accused on 13-6-2015. From her report, it has become clear that since last 6 months applicant/accused was contacting

prosecutrix on her mobile and was insisting her for keeping physical relations with her. He was also insisting her to provide any other girl to him. For that purpose he was giving allurement to prosecutrix to engage her in any service. He was also threatening her to commit suicide.

4. On perusal of case diary, it has become clear that prosecutrix is belonging to Scheduled Tribe. As applicant was in contact with the prosecutrix since last six months, he must be having knowledge that she is belong to Scheduled Tribe. Irrespective of that he was giving harassment to prosecutrix. On perusal of report of prosecutrix, it has become clear that the harassment given by applicant/accused to prosecutrix was of serious nature.”

I am in agreement with the reasons recorded by the learned appellate Court. Hence, I pass the following order.

ORDER

(i) Criminal Application (ABA) No. 313/2015 is rejected.

JUDGE