

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

CRIMINAL APPLICATION (ABA) NO.314/2015

(Devchand s/o Govindji Ramteke ..vs.. State of Maharashtra, through PSO PS
Mahagaon, Tq. Mahagaon, 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. T. G. Bansod, Advocate for applicant.
Mrs. K. S. Joshi, A.P.P. for non applicant-State.

CORAM : A.B. CHAUDHARI, J.

DATE : JULY 1, 2015.

Heard leaned counsel for the rival parties.
Perused the FIR.

The applicant herein has been serving as
Nayab Tahsildar and an offence of rape on the
daughter of his maidservant has been registered
against him. It appears that the applicant influenced
the police machinery to cause delay in registration of
the FIR. The victim is minor, therefore, the provisions
of the POCSO Act are also attracted.

I also agree with the the reasons recorded
by the learned trial Judge in paragraph 5 of the order
dated 24.06.215.Paragraph 5 of the order reads thus:

*“5. I perused the case diary and heard the
learned counsel for the accused and A.P.P. for the State.
I perused the statements of victim and other witnesses.
It is seen that the applicant established the sexual
relations with victim minor girl and threatened the*

complainant and victim not to disclose it to anybody. The applicant is working as Nayab Tahsildar which is influential post. The offence is being investigated by the Police Station, Mahagaon, which is within the jurisdiction of the applicant himself. The cutting of teh newspapers Daily Punyanagari filed by teh applicant himself shows that the applicant abused his position and managed not to get register the offence against him and therefore when the matter reached to the media the offence came to be registered. Though, the news cannot be considered as evidence, still it is sufficient to show that if the applicant is released on bail, he may pressurize the witnesses and tamper the evidence. His custodial interrogation is necessary for the detailed investigation and medical examination. The submission of the applicant of his false implication in the case, is not appealing to me as no mother would put the reputation/future of her minor daughter on stake only to defame any person.”

In view of above, following order is passed.

ORDER

(i) Criminal Application No.314/2015 is rejected.

JUDGE