

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

CRIMINAL APPLICATION (BA) NO. 616/2015

Amit Satyavijay Jagzake..vs..State of Maharashtra thr. PSO P.S. Chamorshi, Dist. Gadchiroli

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

Court's or Judge's orders.

Mr. V. N. Morande, Advocate for applicant.

Mr. S. S. Doifode, A.P.P. for non applicant-State

CORAM : V. M. DESHPANDE, J.

DATE : SEPTEMBER 16, 2015.

This is an application for bail. The applicant is arrested in connection Crime No.42/2015 registered with Police Station Chamorshi, Dist. Gadchiroli for an offence punishable under Sections 376, 506 of the IPC and under Section 4 of the POCSO Act.

The investigation is over. The charge-sheet is already filed.

The FIR is lodged by the prosecutrix herself whose age as per her birth certificate was 17 years 4 months 21 days on the date of incident. From the FIR, it is clear that the prosecutrix was not knowing the present applicant. According to the FIR, she was sexually abused by the person unknown to her when she was answering the nature's call. The FIR shows that during the resistance, she has received injuries on her body. Not only that she has specifically stated that her private part also received injuries due to nails of the present applicant, who has

committed forcible sexual intercourse on her.

The prosecutrix was referred to the medical examination immediately. During her medical examination, no injury was noticed by the Medical Officer on the external parts of her body nor there was any injury on her private part as claimed by her.

In that view of the matter and looking to the fact that the investigation is over, the applicant can be released on bail by imposing certain conditions. Hence, following order is passed

ORDER

- (i) Criminal Application No.616/2015 is allowed.
- (ii) Applicant–Amit Satyavijay Jagzake be released on bail in connection with Crime No.42/2015 registered with Police Station Chamorshi, Dist. Gadchiroli for an offence punishable under Sections 376 and 506 of the IPC and Section 4 of the POCSO on he executing P.R. Bond in the sum of Rs.25,000/- with one surety in the like amount.
- (iii) Bail before trial Court.
- (iv) The applicant shall attend Police Station Chamorshi once in a fortnight on Monday till culmination of trial between 3.00 p.m. to 5.00 p.m.

JUDGE