

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

CRIMINAL APPLICATION (BA) NO.678/2015

**(Gopal @ Vitthal s/o Rambhau Bharati ..vs.. State of Maharashtra, through PSO P.
S. Pusad (Rural), Tq. Pusad, 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. J. S. Wankhede, Advocate for applicant.
Ms T. Udeshi, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.
DATE : SEPTEMBER 29, 2015.

By the present application, the applicant is seeking his enlargement on bail. The applicant is arrested on 07.02.2015 by Police Station authorities of Police Station, Pusad (Rural) for an offence punishable under Sections 363, 366-A, 376 (2) (N) of the Indian Penal Code and Section 3 (i) (xii), 3 (ii) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Section 4 and 6 of the Protection of Child From Sexual Offences Act, 2012.

The age of the prosecutrix was 17 years and 8 months on the date of incident. The FIR is lodged by Narayan Maske, father of the prosecutrix. The statement of prosecutrix is also recorded. From the statement, it is clear that the present applicant is Mokadam of a group engaged in sugar cutting and

the parents of the prosecutrix were engaged by him. From the statement of the prosecutrix herself, it is clear that she developed love with the present applicant. The present applicant used to reside in the house of the prosecutrix herself. From her statement, it is clear that their love relations were opposed by her brother and, therefore, in spite of knowledge of the fact that the present applicant is already married, the prosecutrix, who has attained age of understanding, has decided to run away from her house. The investigation is already over. Especially when the prosecutrix has already attained the age of understanding, further custodial presence of the applicant is not necessary.

Hence, following order is passed.

ORDER

(i) Criminal Application No.678/2015 is allowed.

(ii) The applicant-Gopal @ Vitthal s/o Rambhau Bharati, be released on bail in connection with Crime No.5/2015 registered with Police Station, Pusad (Rural) for an offence punishable under Sections 363, 366-A, 376 (2) (N) of the Indian Penal Code and Section 3 (i) (xii), 3 (ii) (v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Section 4 and 6 of the Protection

of Child From Sexual Offences Act, 2012 on he executing P.R. Bond in the sum of Rs.50,000/- with two sureties in the like amount.

(ii) Bail before trial Court.

(iii) The applicant shall not indulge in threatening either the prosecutrix or any of her parents nor shall tamper with the prosecution witnesses.

JUDGE

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