

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

CRIMINAL APPLICATION (BA) NO.755 OF 2015

Balaji Shankar Randive

..vs..

State of Mah., thr Police Station Officer, Police Station Shegaon (Bk.) Taluka Warora

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

Court's or Judge's Order

Shri V.N. Morande, Counsel for the Applicant.

Shri V.A. Thakre, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : OCTOBER 27, 2015.

By the present application under Section 439 of the Code of Criminal Procedure, the applicant is seeking his release on bail since the applicant is arrested in connection with Crime No.35 of 2015 registered with Police Station Shegaon, District Chandrapur for the offences punishable under Sections 376(D), 506 read with Section 34 of the Indian Penal Code and Sections 4, 6, 8, and 10 of the Protection of Children from Sexual Offences Act, 2012.

Heard learned counsel for the applicant and learned Additional Public Prosecutor for the non-applicant/State.

The present applicant is arrested on 10.4.2015.

From the charge sheet, which is filed, discloses that the prosecutrix has already attained the age of understanding. It shows that the present applicant and the prosecutrix were knowing each other. The FIR shows that there was an ample opportunity to the prosecutrix to raise a hue and cry since it is not the allegations in the FIR that her mouth was pressed and she was asked by the present applicant that she should remove her clothes. It is pertinent to note that the place of the occurrence is just not only near the house of the prosecutrix but surrounded by so many houses of other residents.

Further, according to the prosecutrix, she was forcibly assaulted by the present applicant, other co-accused. However, injury report shows that there were no injuries whatsoever in the nature either on the private part of the prosecutrix or on the external part of the body of the prosecutrix.

In view of above, since the charge sheet is already filed and there is no possibility of the Sessions

Trial of the present applicant would take up for consideration in near future, in my view, the present applicant can be directed to be released on bail. That leads me to pass the following order:

ORDER

1] The criminal application is allowed.

2] Applicant – Balaji Shankar Randive be released on bail in connection with Crime No.35 of 2015 registered with Police Station Shegaon, District Chandrapur for the offences punishable under Sections 376(D), 506 read with Section 34 of the Indian Penal Code and Sections 4, 6, 8, and 10 of the Protection of Children from Sexual Offences Act, 2012 on his executing Personal Bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two solvent sureties in the like amount.

3] The applicant shall attend the concerned police station once a month and preferably on third Tuesday between 3:00 pm to 5:00

.....4/-

pm, till culmination of the trial.

4] The applicant is prohibited from extending any threat whatsoever in the nature to the prosecutrix or any of the prosecution witness.

5] Bail before the Trial Court.

With these directions and observations, the criminal application is allowed and disposed of.

JUDGE

!! BRW !!

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