

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

Criminal Application (BA) No. 803 of 2015
Namdeo v. The State of Maharashtra

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
Mr S. S. Doifode, APP for respondent-State

Coram: V. M. Deshpande, J
Date : 27th October 2015

1. Heard Mr J. S. Wankhede, learned counsel for the applicant and Mr S. S. Doifode, learned Additional Public Prosecutor for respondent-State.

2. The present application is for regular bail. The applicant is arrested in connection with Crime No. 103/2015 registered with Police Station, Mangrulpir, District Washim for the offences punishable under Sections 363, 354, 376, 366 of the Indian Penal Code and Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012.

3. The investigation is already completed and the charge-sheet is also filed in the Court. The prosecutrix is the first-informant. At the time of lodging of First Information Report, she has shown her age as 15 years. During the medical examination, she was referred for ossification test and her radiological age shows that she is in between 16-18 years of age. It will be obligatory on the part of the prosecution to prove the age of the prosecutrix on the date of incident by primary evidence. At present, there are two versions about the age of prosecutrix.

4. In the backdrop of above, if the accusations are made in the charge-sheet against the applicant are seen, then it is crystal

clear that on the date on which First Information Report was lodged, the same was completely silent about sexual assault on her. The said statement appears only after three days when the supplementary statement of the prosecutrix was record.

5. The applicant is in jail since 19.4.2015. Since the investigation is already over and there is no concrete evidence on record to show that the prosecutrix is minor, in my view, the application of the applicant can be favourably considered. Hence, the following order :

ORDER

- I. Application is allowed.
- II. Applicant Namdeo Piraji Amle be released on bail in connection with Crime No. 103/2015 registered with Police Station, Mangrulpir, District Washim for the offences punishable under Sections 363, 354, 376, 366 of the Indian Penal Code and Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012. on he executing PR Bond of Rs. 25,000/- with one solvent surety in the like amount.
- III. Bail before the trial Court.
- IV. Applicant shall attend Police Station, Mangrulpeer once in fortnight i.e. on 1st and 3rd Monday of every month till culmination of trial.
- V. Applicant shall not cause any threats to the first-informant or any other prosecution witnesses.
- VI. With this, application is allowed and disposed of.

Judge