

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

CRIMINAL APPLICATION (BA) NO.16/2016

Rajkumar S/o Shalikram Bethekar

..Versus..

The State of Maharashtra, through Police Station Officer, Police Station, Chikhaldara,
Distt. Amravati

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

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATE : 7.3.2016

Heard Shri C.R. Thakur, advocate for the applicant and Shri
N.B. Jawade, A.P.P. for the non-applicant.

The applicant is arrested on 18th July, 2015 in crime registered
against him for the offence punishable under Section 363, 366, 376(2)
(i)(n) of the Indian Penal Code and Section 4, 6 and 12 of the
Protection of Children From Sexual Offences Act, 2012.

The allegations against the applicant are that he had taken
away the prosecutrix (aged about 17 years and 9 months) and
committed penetrative sexual assault and they could be traced after 15

days. The prosecution is opposing the application on the ground that the applicant was involved in similar offence earlier and after he was released on bail in the earlier crime, he has committed the present crime.

Considering the nature of accusations against the applicant, that the charge-sheet is filed and the fact that the non-applicant has not been able to show that the custody of applicant is necessary for further investigation, in my view, the applicant is entitled to be released on bail.

Hence, the following order:

- (i) The applicant having been arrested in Crime No.80/2015 registered by the non-applicant, he shall be released on bail on furnishing P.R. bond for Rs.10,000/- (Rs. Ten Thousand Only) and two solvent sureties in the like amount, out of which one solvent surety shall be furnished by the father or mother of the applicant.
- (ii) The applicant shall attend the sessions trial regularly. In default of the applicant to attend any date of sessions trial before the Sessions Court, without seeking exemption from the Sessions Court, this order shall stand recalled.
- (iii) The application is **allowed** in the above terms.

CRIMINAL APPLICATION (APPP) NO.33/2016

In view of disposal of main application, this application does not survive and is disposed of accordingly.

JUDGE

Tambaskar.