

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

**CRIMINAL APPLICATION (BA) NO.19/2016**

Mr. Bablu S/o Bhaurao Jumnake

..Versus..

State of Maharashtra, through Police Station Officer, Police Station Kothari, Tah.  
Ballarpur, Distt. Chandrapur.

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

**CORAM : Z.A. HAQ, J.**

**DATE : 11.2.2016**

Heard Shri R. R. Vyas, advocate for the applicant and Shri A.K.  
Bangadkar, A.P.P. for the non-applicant.

The applicant is arrested in connection with crime for the  
offences punishable under Sections 452, 376 (2)(n) of the Indian Penal  
Code read with Sections 4, 8 and 12 of the Protection of Children from  
Sexual Offences Act, 2012.

In response to the notice issued by this Court, the  
non-applicant has filed reply, paragraph no.4 of which is relevant and it  
reads as follows:

*"4. It is submitted that, earlier also the present  
applicant has committed forcefully sexual intercourse*

*with the complainant and she got pregnant from the applicant from the applicant and delivered a male child. The said First Information Report bearing No.14/2014 of the dated 10.07.2014 is annexed herewith at page No.15. The present applicant has misused the liberty while bail was granted in the said offence i.e. Cr. No.14/2014. The present applicant has committed forcible sexual intercourse with the complainant who is below in 18 years and he has committed the same offence again i.e. the present offence.”*

The victim is reported to be about 17 and 1/2 years old.

The non-applicant has not been able to show that the custody of the applicant is required for further investigation.

Considering the nature of allegations as summarized in paragraph no.4 of the reply and the fact that the non-applicant has not been able to point out the involvement of applicant in any other crime, in my view, the applicant is entitled for bail.

Hence the following order:

- (i) The applicant having been arrested for the offences registered by the non-applicant in Crime No.5/2015 be released on bail, on furnishing P.R. bond for Rs.20,000/- and one solvent surety in the like amount.
- (ii) The applicant shall attend the Sessions Court on every date unless he is granted exemption by the Sessions Court.

In case of default on the part of the applicant to attend any date before the Sessions Court, without seeking exemption, this order shall stand recalled.

- (iii) The application is **allowed** in the above terms.
- (iv) In the circumstances, the parties to bear their own costs.

**JUDGE**

Tambaskar.