

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

CRIMINAL APPLICATION (BA) NO.45/2016

Ankush Ganesh Mehare

..Versus..

The State of Maharashtra, through Police Station Officer, Police Station Murtizapur,
Tah. Murtizapur, Distt. Akola

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 : 18.2.2016

Heard Ms. Nikita Bapat Samarth advocate h/f Shri S.V. Sirpurkar, advocate for the applicant and Ms. N.P. Mehta, A.P.P. for the non-applicant.

The applicant is arrested in Crime No.819/2015 for the offence punishable under Sections 376(d) of the Indian Penal Code and Sections 6 and 8 of the Protection of Children from Sexual Offences Act, 2012.

The complainant (aged about 17 years) filed complaint that two unknown boys chased her, intercepted her and when she started running towards village fell down her and one boy lifted her and she

was taken on motorcycle to a temple where one of the boy committed forcible sexual intercourse.

The learned advocate for the applicant has submitted that the name of applicant is not found in the F.I.R., that the applicant is not involved in any crime earlier, that charge-sheet is filed on 17th September, 2015 and the custody of applicant is not required for further investigation. Though the learned A.P.P. has opposed the application, she has not been able to controvert the submissions made on behalf of the applicant particularly to the effect that the custody of applicant is required for further investigation. Hence, the following order:

- (i) The applicant having been arrested in Crime No.189/2015 registered by the non-applicant, be released on bail on furnishing P.R. bond in the sum of Rs.10,000/- and one solvent surety in the like amount.
- (ii) The applicant shall attend every date of sessions trial unless he is granted exemption from personal appearance by the Sessions Court. If the applicant fails to attend any date of sessions trial, without seeking exemption from the Sessions Court, this order shall stand recalled.

- (iii) The application is allowed in the above terms.
- (iv) No orders as to costs.

CRIMINAL APPLICATION (APPP) NO.85/2016

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

JUDGE

Tambaskar.