

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

CRIMINAL APPLICATION (BA) NO.48/2016

Shiva s/o Manoharrao Jamathe

..Versus..

State of Maharashtra, through Police Station Officer Chandur Bazar, 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 : 18.2.2016

Heard Shri P.V. Navlani, advocate for the applicant and Ms.
N.P. Mehta, A.P.P. for the non-applicant.

The applicant is arrested in crime registered for the offence punishable under Sections 376(d), 120-B of the Indian Penal Code and Section 3(1)(xii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The prosecutrix (aged about 24 years) filed complaint against the applicant that after she requested the applicant to lend Rs.1,500/-, the applicant asked her to wait for some time and then she received phone call from Santosh (co-accused) who later on came and picked her up and took her to nearby place where Akash (co-accused) came

with five friends and forcibly took her inside the hut and committed forcible sexual intercourse.

Shri Navlani, learned advocate for the applicant has submitted that the applicant is a student, he is falsely implicated as is clear from the nature of allegations made by the prosecutrix, that the applicant had not been involved in any crime earlier, that the charge-sheet is filed and the custody of applicant is not required for further investigation. The learned advocate for the applicant has pointed out that though the offence punishable under Section 3(1)(xii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act was shown vide F.I.R., the applicant is not charged for that offence while filling the charge-sheet. It is prayed that the order may kindly be passed directing the release of applicant on bail.

The learned A.P.P. has opposed the application. However, the learned A.P.P. has not been able to show that custody of applicant is required for further investigation. Considering the facts on the record, I am satisfied that applicant is entitled for being released on bail. Hence, the following order:

- (i) The applicant having been arrested in Crime No.266/2015 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.

JUDGE

Tambaskar.