

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

CRIMINAL APPLICATION (BA) NO. 102 OF 2016

(SHANKAR GULABRAO PAWAR...VS..STATE OF MAH. THR. PSO PS SEWAGRAM, DIST. WARDHA)

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.

DATED : APRIL 01, 2016.

Heard Shri Mir Nagman Ali, advocate for the
applicant and Shri N.B. Jawade, A.P.P. for the non-applicant.

The applicant is arrested on 31st October, 2015 in
the crime registered against him and two other co-accused for
the offence punishable under Section 376(2)(i)(n), 363, 366-A,
120(B) of the Indian Penal Code and Section 6 of the
Protection of Children from Sexual Offences Act, 2012.

The accusations are that in the night between 29th
October, 2015 and 30th October, 2015, at about 12 O'clock
when the complainant had come outside her aunt's house for
nature's call, she was picked-up by the applicant and co-
accused Raju and she was taken to the house of co-accused
Hanuman (which is under construction) and at that place, the
co-accused Hanuman had forcible sexual intercourse with the
prosecutrix (aged about 17 years). It is alleged that the
prosecutrix was released at about 4.00 a.m.

The charge-sheet is filed on 27th January, 2016.

Considering the accusations against the applicant, the facts on record and as the non-applicant has not been able to show that the custody of the applicant is required for further investigation, in my view, the applicant is entitled to be released on bail.

Hence, the following order :

The applicant, having been arrested in Crime No. 369 of 2015 registered by the non-applicant, he be released on bail on furnishing P.R. Bond for Rs.Ten Thousand and one solvent surety in the like amount.

The application is allowed in the above terms.

CRI.APPLN.(APPP) NOS.206/16 & 207/16.

In view of disposal of the main application, the applications for grant of time to file affidavit of relative and copy of charge-sheet have become infructuous, hence, both the applications are disposed of.

JUDGE