

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

CRIMINAL APPLICATION (BA) NO.119 OF 2016

(Zia-Ul-Haq @ Raj s/o Mohd. Shafi ..vs.. The State of Maharashtra, through PSO, PS Chandur Bazar,
District 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.
DATED : 08-03-2016

Heard Shri P.W. Mirza, Advocate for the applicant
and Shri N.S. Khubalkar, Additional Public Prosecutor for
the non-applicant.

2. The applicant is arrested on 22-09-2015 in crime registered against him for offences punishable under Sections 376, 354-A(1),(2) and 506 of the Indian Penal Code, Section 12 of the Protection of Children from Sexual Offences Act, 2012 and Section 3(1)(xii) of the Scheduled Castes and Schedules Tribes (Prevention of Atrocities) Act.

3. The allegations against the applicant are that he has committed penetrative sexual assault on the victim, aged about 15 years and has threatened her.

4. Considering the nature of allegations, *prima-facie* offence under Section 3(1)(xii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is

not made out and the prosecution will have to establish it. The charge-sheet is filed. The non-applicant has not been able to show that the custody of the applicant is required for further investigation. In my view, in view of the facts on record, the applicant is entitled to be released on bail.

5. Hence, the following order :

- i) The applicant having been arrested in Crime No.280/2015 registered by the non-applicant, he be released on bail, on furnishing P.R. Bond for Rs.20,000/- and one solvent surety in the like amount.
- ii) The application is allowed in the above terms.

JUDGE

pma