

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

CRIMINAL APPLICATION (BA) NO.181 OF 2016

(Durgaprasad s/o Acchelal Sonkar ..vs.. State of Maharashtra, through PSO, MIDC PS, Nagpur)

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 : 31-03-2016

Heard Shri A.S. Mardikar, learned Senior Advocate assisted by Mrs S.N. Deshpande, Advocate for the applicant and Shri N.S. Khubalkar, learned Additional Public Prosecutor for the non-applicant/State.

2. The applicant is arrested on 14-09-2015 in crime registered against him for offences punishable under Sections 376(2)(i), 452 and 506 of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012 on the accusations that in the night between 13-09-2015 and 14-09-2015 at about 4-00 a.m. the applicant entered the house of the complainant and victim and committed the offence.

3. The application is opposed on the ground that the statements of witnesses recorded by the Investigating Officer corroborate the complaint made by the complainant. The learned Additional Public Prosecutor has further submitted that the offence is of serious nature and the learned Sessions Judge has observed that

the trial can be expedited and therefore, directions may be issued to expedite the trial instead of considering the prayer of the applicant for releasing him on bail.

4. Shri A.S. Mardikar, learned Senior Advocate has submitted that the applicant is falsely implicated as the father of the applicant who is landlord of the premises occupied by the family of the complainant and victim had been demanding the rent from the complainant. It is submitted that the family of complainant has vacated the premises. It is further submitted that the averments in the complaint that at 4-00 a.m. the complainant had opened the door of the house and then left it open and taking advantage of the situation the applicant/accused entered the house and committed the offence, is improbable.

5. The charge-sheet is filed on 19-11-2015. The non-applicant has not been able to show that custody of the applicant is required for further investigation.

Considering the nature of accusations and the facts on record, in my view, the applicant is entitled to be released on bail.

6. Hence, the following order :

- i) The applicant having been arrested in Crime No.303/2015 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