

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

CRIMINAL APPLICATION (BA) NO. 239 OF 2016

(PRASHANT TULSHIRAM WAGH...VS..STATE OF MAH. THR. PSO PS SHIRPUR, DIST. WASHIM)

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 16, 2016.

Heard Shri R.N.Ghuge, advocate for the applicant
and Shri K.R.Lule, A.P.P. for the non-applicant.

The applicant has surrendered on 9th February, 2016 as the crime is registered against him for the offence punishable under Sections 363, 366-A, 354(A), 354(D), 342, 506-II r/w 34 of the Indian Penal Code and Section 10 of the Protection of Children from Sexual Offences Act, 2012.

According to the prosecution, the applicant along with his friends/co-accused abducted the victim (aged about 15 years) when she was going to school along with her friends. It is alleged that the accused threatened the victim that if she does not marry the applicant her father would be killed. It is alleged that the applicant outraged the modesty of the victim. The applicant and co-accused had approached this Court vide Criminal Application (ABA) No. 413 of 2015 seeking pre-arrest bail. This Court had refused pre-arrest bail to the applicant and granted pre-arrest bail to co-accused. While disposing the application, this Court recorded that the statements of Gayatri, Rohini and Riya (friends of the victim)

who were present at the time of the alleged incident did not support the version of the victim, as reflected from the statements recorded by the Investigating Officer. The learned advocate for the applicant has submitted that the charge-sheet is filed but the statements of Gayatri, Rohini and Riya are not part of the charge-sheet.

There is no explanation on behalf of the non-applicant in this matter.

The charge-sheet is filed.

Considering 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.70 of 2015 registered by the non-applicant, he be released on bail on furnishing P.R. Bond for Rs.Twenty Thousand and one solvent surety in the like amount.

The application is allowed in the above terms.

JUDGE