

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

CRIMINAL APPLICATION (BA) NO.259 OF 2016

(Roshan Anil Nandne ..vs.. The State of Maharashtra, through PSO, PS Asegaon Purna, 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 : 30-03-2016

Heard Shri P.V. Navlani, Advocate for the
applicant and Shri K.R. Lule, Additional Public
Prosecutor for the non-applicant.

2. The applicant is arrested on 02-08-2015 in crime registered against him for offences punishable under Sections 376(2)(n), 417, 344, 34 of the Indian Penal Code read with Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act on the accusations that the mother of the applicant assured the prosecutrix (aged about 18 years) that the applicant and brother of the applicant who are working at Pune would make job available to her and on this assurance the prosecutrix was taken to Pune where the applicant detained the prosecutrix from 03-07-2015 to 28-07-2015 and committed forcible sexual intercourse with her.

3. With the assistance of learned Advocate for the applicant and learned Additional Public Prosecutor for

the non-applicant, I have examined the copy of charge-sheet and copy of reply filed by the prosecution before the Sessions Court. As far as the offence under Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is concerned, *prima-faice* I find that the necessary ingredients are not existing and the prosecution will have to prove its case.

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

5. Hence, the following order :

- i) The applicant having been arrested in Crime No.106/2015 registered by the non-applicant, he be released on bail on furnishing P.R. Bond for Rs.10,000/-.
- ii) The application is allowed in the above terms.

JUDGE