

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

CRIMINAL APPLICATION (ABA) NO. 194 OF 2016

(AKASH PALSINGH RATHOD...VS..STATE OF MAH. THR. PSO PS DEOLI, 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 : MAY 02, 2016.

Heard Shri Mahesh Rai, advocate for the
 applicant and Shri S.M. Bhagde, A.P.P. for the non-applicant.

The applicant (aged about 19 years) apprehends
 arrest in crime registered against him for the offences
 punishable under Sections 376(j)(n) of the Indian Penal Code
 and Sections 4, 6 and 12 of the Protection of Children from
 Sexual Offences Act, 2012 and under Section 3(1)(xii) of the
 Scheduled Castes and the Scheduled Tribes (Prevention of
 Atrocities) Act, 1989.

The crime is registered on the complaint of the
 complainant (aged about 17 years) that the applicant had
 recorded video clip when she was feeding food to the
 applicant and the applicant blackmailed the complainant and
 committed sexual intercourse.

The accusations in the complaint, *prima-facie* do
 not make out the offence punishable under Section 3(1)(xii)
 of the Scheduled Castes and the Scheduled Tribes (Prevention
 of Atrocities) Act, 1989 and the prosecution will have to
 prove its case.

As far as other offences are concerned, considering the nature of the accusations, the facts on record and as there is no medical examination report of the complainant, in my view, the applicant is entitled for pre-arrest bail.

Hence, the following order :

In the event of arrest in Crime No. 214 of 2016, registered by the non-applicant, the applicant 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 accordingly.

CRI.APPLN.(APPP) NO.424/2016.

In view of disposal of the main application, the application praying that the filing of say of APP be dispensed with, does not survive, hence, it is disposed of.

JUDGE

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