

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

CRIMINAL APPLICATION (BA) NO.285/2016

Nikhil s/o Aurnrao Nakhale

..Versus..

State of Maharashtra, through Police Station Officer Wardha (City), Distt. 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.

DATE : 11.4.2016

Heard Shri A. M. Jaltare advocate for the applicant and Shri R.S. Nayak, A.P.P. for the non-applicant.

The applicant is arrested on 20th October, 2015 in crime registered against four persons (including the applicant) for the offence punishable under Sections 376-D, 305, 504 and 506 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

The crime is registered against the accused persons on the statement of deceased victim (aged about 17 years) that she was having love affair with Bodhinand (co-accused), that on 5th September, 2015 victim, Bodhinand, Sachin, Suraj and the present applicant attended the marriage at Wardha and while returning Bodhinand took victim to the room of Sachin where the applicant and other co-accused were present, that Sachin had brought food which all of them had and thereafter Bodhinand committed sexual penetrative assault on the victim. It is alleged that Bodhinand was assisted by Sachin, Suraj and the present applicant. Three dying declarations are recorded.

The charge-sheet is filed on 16th January, 2016. Co-accused Sachin, Suraj are granted bail by this Court by the order dated 5th April, 2016. The non-applicant has not been able to show that the custody of applicant is required for further investigation.

After considering the facts and going through the documents placed on the record, in my view, the applicant is entitled to be released on bail.

Hence, the following order:

- (i) The applicant having been arrested in Crime No.496/2015 registered by the non-applicant, he be released on bail on furnishing P.R. Bond for Rs.20,000/- (Rs. Twenty Thousand Only) and one solvent surety in the like amount.
- (ii) The applicant shall attend the sessions trial regularly. In default on the part of the applicant to attend the sessions trial on any date, without seeking exemption from the Sessions Court, this order shall stand recalled without reference to Court.
- (iii) The application is **allowed** in the above terms.

JUDGE