

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

CRIMINAL APPLICATION (ABA) NO.245/2016

Chetan s/o Anand Thamake

..Versus..

The State of Maharashtra, Police Station Officer, Panchpaoli, 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.

DATE : 22.4.2016

Heard Shri Lubesh Meshram, advocate for the applicant and Shri N.S. Khubalkar, A.P.P. for the non-applicant.

The learned A.P.P. requests for time to file reply, however, as the copy of reply filed by the Investigating Officer before the Sessions Court is already on the record, I proceed with the hearing of the application.

The applicant apprehends arrest in crime registered against him for the offence punishable under Sections 363, 376(2)(n) of the Indian Penal Code and Section 5(i) of the Protection of Children from Sexual Offences Act. The crime is registered on the report lodged by the mother of victim. The victim is aged about 16 years.

The accusations against the applicant are that he forcibly took victim from her house to Lashkaribagh area where the victim was kept at site of construction of a house and then the applicant took victim to Allahabad by bus, came back to Nagpur and then took victim to Wardha and then Shegaon where they resided in hotel for three days. It is alleged that the applicant committed sexual intercourse forcibly with victim time to time.

The reply filed by the Investigating Officer before the Sessions Court does not point out the necessity of custodial interrogation of the applicant.

Considering the nature of accusations against the applicant, in my view, the applicant is entitled for pre-arrest bail.

Hence, the following order:

- (i) In the event of arrest in Crime No.45/2016 registered by the non-applicant, the applicant be released on bail on furnishing P.R. bond for Rs.25,000/- (Rs. Twenty Five Thousand Only) and one solvent surety in the like amount.
- (ii) The application is **allowed** in the above terms.

CRIMINAL APPLICATION (APPP) NO.545/2016

In view of disposal of main application, this application does not survive and is **disposed of** accordingly.

JUDGE