

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

Criminal Application [BA] No.867 of 2016

(Deepak Bhaurao Ughade

vs.

State of Maharashtra, through P.S.O. Kholapuri Gate, Amravati)

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Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

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Court's or Judge's Orders

Shri S.G. Loney, Advocate for the Applicant.

Shri V.P. Gangane, A.P.P. for the Non-Applicant/State.

CORAM : S.B. SHUKRE, J.
DATE : 20th OCTOBER, 2016.

Heard the learned Counsel for the applicant and
the learned A.P.P. for the State.

Perused the case-diary. From the evidence collected so far by the prosecution, a major difficulty for the prosecution is seen in the offing. The victim of the crime has not taken the name of the person doing the acts involving sexuality. No attempt has been made for taking identification parade of the possible culprit to be identified by the victim of the crime or by her mother. The only basis on which this applicant has been *prima facie* concluded to be the offender is the confessional statement given by this applicant to mother of the victim. This statement is to the effect that this applicant informed the mother of the victim that when he was told by the victim that her underwear had become wet, she was taken

inside the bathroom. The victim of the crime, as seen from her statement, has not mentioned the place of incident.

The learned A.P.P. for the State also could not point out to me from the material available on record that place of incident was inside the bathroom of the school. The reply of the prosecution does not show that the Investigating Officer is still intending to take necessary steps for establishing properly the identity of the real culprit. The applicant is behind the bars since 16th September, 2016.

In the result, this application deserves to be allowed.

The application is allowed and it is directed that the applicant be released on bail on his furnishing a P.R. Bond in the sum of Rs.20,000/- together with one solvent surety in the like sum on the following conditions:

- i. The applicant shall not enter the city of Amravati except on the dates when he has to attend the court proceedings.
- ii. As the applicant is willing to stay at Achalpur, he shall submit his Achalpur address to Police Station Achalpur as well as Police Station Kolhapuri Gate together with his contact numbers, within a week from the date of release on bail.

- iii. He shall regularly attend the court dates fixed by the trial Court in the matter.
- iv. He shall co-operate with the Investigating Officer and also the trial Court in expeditious completion of investigation and disposal of the case respectively.
- v. He shall not tamper with the prosecution witnesses in any manner.

The application is disposed of in above terms.

**sdw*

JUDGE

C E R T I F I C A T E

I certify that this order uploaded is a true and correct copy of the original signed order.

Uploaded by: S.D. Waghmare
P.A. to the Hon'ble Judge.

Uploaded on : 21/10/2016