

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

CRI. APPLICATION (ABA) NO. 38 OF 2017

(LAXMAN @ GOSU NAMDEO DARUNKAR...VS.. STATE OF MAH. THR. P.S.O. PS WADNER, DISTT. WARDHA)

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Shri S.V.Sirpurkar, Advocate for Applicant.
 Shri T.A.Mirza, A.P.P. for Non-applicant.

CORAM : Z.A.HAQ, J.

DATED : JUNE 14, 2017.

The applicant, apprehending arrest in crime registered against him for the offences punishable under Section 354-A (2) of the Indian Penal Code and Section 10 of the Protection of Children from Sexual Offences Act, 2012, has sought pre-arrest bail. The crime is registered on the complaint lodged by father of the victim girl. The accusations against the applicant are that he caught hold of the victim girl and offered to marry with her because of which minor girl suffered shock and is under depression.

The Investigating Agency claims that the girl is studying in 9th Standard and is aged about 13 years. However, the Investigating Agency has not placed on record any documentary evidence to substantiate that the victim girl is aged about 13 years and if the submissions made on behalf of the Investigating Agency that she is student of 9th Standard is to be considered then the victim girl might be aged about 15 years.

The applicant, aged about 22 years, claims to be labourer and has stated that he is not involved in any other

crime/ offence and this fact is not controverted by the Investigating Agency. The applicant has further assured that till filing of the chargesheet the applicant will not enter village Arvi (Chhoti), Tahsil : Hinganghat, District : Wardha.

This Court has granted interim protection to the applicant by order passed on 24th January, 2017. The Investigating Agency has not complained that the applicant has misused the protection granted by this Court.

Considering the facts of the case, in my view, the interim protection granted by the order dated 24th January, 2017 is required to be confirmed, however, on condition that the applicant will not enter village Arvi (Chhoti), Tahsil : Hinganghat, District : Wardha till charge-sheet is filed.

The application is **allowed** in the above terms.

CRI.APPLN.(APPP) NO.105/17.

In view of disposal of the bail application, the application praying for time to file certified copies of the documents does not survive, hence, it is **disposed of**.

JUDGE