

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

Criminal Application (BA) No. 227 of 2017

Shivprasad v. State of Maharashtra

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

Court's or Judge's orders

Shri Muzammil Hussain, Advocate for applicant
Shri M. K. Pathan, APP for respondent-State

Coram : S. B. Shukre, J

Dated : March 31, 2017

Heard. Perused the First Information Report and the copies of depositions placed on record about which there is no dispute.

The material reflects that the complainant P. W. 1 and victim of the crime – a child witness (PW 2) both have turned hostile. They have gone to the extent of saying that nothing happened on the date of incident. The victim of crime says that she does not know the accused present in the Court. She also states that she was not medically examined by the doctor and that she never showed any spot to the police.

Having regard to such nature of prosecution evidence, I do not think that now liberty could be denied to the applicant.

Application is allowed and it is directed that the applicant be released on bail in Crime no. 168/2015 registered with Police Station, Ghugus, District Chandrapur for the offences punishable under Section 376 (2) (i) of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act on his furnishing PR Bond of Rs.

20,000/- together with one solvent surety in the like amount on the conditions that he shall scrupulously attend the dates fixed in the trial and shall cooperate with the trial Court in expeditious disposal of the case. Application disposed of.

JUDGE

joshi