

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

**CRIMINAL APPLICATION (ABA) NO.245/2017**

Swapnil S/o Rajendra Gotmare

..Vs..

State of Maharashtra, through P.S.O. Kalmeshwar, Distt. Nagpur

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

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Shri C.A. Anthony, Adv. for the applicant.  
Shri N.R. Patil, A.P.P. for the respondent / State.  
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**CORAM : Z.A.HAQ, J.**

**DATE : 10.7.2017.**

Heard.

The applicant, apprehending arrest in connection with crime registered for the offence punishable under Sections 365, 366-A, 354, 354(A)(B) of the Indian Penal Code and under Section 8 of the Protection of Children from Sexual Offences Act, has sought pre-arrest bail.

The crime is registered on the complaint lodged by the victim alleged to be aged about 16 years (however, ossification test opinion shows her age as about 18 - 19 years). According to the complainant, when she was returning to her village, the applicant was going on a motorcycle, he stopped and asked the complainant to sit on the motorcycle assuring to drop her to her village, however, he took the victim to a secluded place and committed the crime.

The medical examination report of the victim does not support the claim of the investigating agency. The applicant, aged about 22 years, claims that he is doing private work. There is nothing on record to show that the applicant is involved in any other crime / offence. The non-applicant has not been able to point out that custody of the applicant is required for investigation. By order passed on 2<sup>nd</sup> May, 2017 this Court has granted protection to the applicant imposing condition of attendance at the police station. The non-applicant has not made any complaint that the applicant has misused the protection granted by this Court.

In the facts of the case, the order passed on 2<sup>nd</sup> May, 2017 granting protection to the applicant is confirmed. The application is **allowed** accordingly.

JUDGE