

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

CRIMINAL APPLICATION (BA) NO.475/2017

Mahesh S/o Maroti Chawale

..Vs..

State of Maharashtra, through Police Station, Shirpur, Tq. Wani, Distt.
Yavatmal

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

Court's or Judge's orders

Shri M.V. Amale, Adv. for the applicant.
Shri N.R. Patil, A.P.P. for the respondent / State.

CORAM : Z.A.HAQ, J.

DATE : 4.7.2017.

Heard.

The applicant is arrested in connection with crime registered against him for offence punishable under Sections 341, 342, 354(d), 376(2)(n) of the Indian Penal Code, Section 4 of the Protection of Children from Sexual Offences Act, 2012 and Section 3(1)(w)(11), 3(3)(5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 on the accusations that he has forcibly taken the victim (aged about 15 years) to a field, tied her hands by rope, gagged her mouth by a scarf and sexually assaulted her forcibly.

According to the investigating agency, the victim was taken away by the applicant when the victim and her friend were passing through a road, while

coming back from the house of their another friend.

The learned Advocate for the applicant has pointed out from the report of medical examination of victim that no injuries were found on the person of victim and doctor has not given any definite opinion about forcible sexual intercourse.

The learned A.P.P. has submitted that the above submissions made on behalf of the applicant will not be relevant as the victim is minor.

Be that as it may, the applicant is in jail since 14th January, 2017. The investigation is complete and charge-sheet is filed. The non-applicant has not been able to point out that further custody of the applicant is required for investigation. The applicant, aged about 19 years, claims to be a student of 12th standard and has stated that he is not involved in any other crime / offence.

Considering the facts of the case, following order is passed:

The applicant having been arrested in connection with Crime No.5/2017 registered by the non-applicant, he be released on bail on executing P.R. bond for Rs.20,000/- (Rs. Twenty Thousand) and two solvent sureties in the like amount.

The application is **allowed** accordingly.

JUDGE