

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

CRIMINAL APPLICATION (ABA) NO.385/2017

Prashant S/o Ganeshrao Kale

..Vs..

State of Maharashtra, through Police Station Officer, Ashti, 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 Mahesh Rai, Adv. for the applicant.
Shri N.R. Patil, A.P.P. for the respondent / State.

CORAM : Z.A.HAQ, J.

DATE : 23.6.2017.

Heard.

The applicant, apprehending arrest in crime registered against him for the offence punishable under Section 376 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012, has sought pre-arrest bail.

According to the investigating agency, the applicant on the pretext of taking the victim (aged about 16 years) to the room of sister of victim, took her to a secluded place and under threat committed sexual intercourse.

The application is opposed on the ground that the victim is minor and the offence is serious.

The applicant aged about 28 years claims to be an Electrician and has stated that he is not involved in any other crime / offence. This Court has granted interim protection to the applicant by order passed on 9th

June, 2017. The investigating agency has not complained that the applicant has not co-operated with the investigation. Though the general statement is made that the applicant has given threats to father of victim to withdraw the complaint, the allegations are not against the applicant but it is stated in the reply filed by the non-applicant that the threats are given by mother of the applicant and maternal uncle of the applicant. The non-applicant has not been able to point out that custody of the applicant is required for further investigation.

In the above facts, the interim order passed on 9th June, 2017 granting pre-arrest bail to the applicant is confirmed. The application is **allowed** accordingly.

JUDGE

Tambaskar.