

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

CRI. APPLICATION (BA) NO. 575 OF 2017

(RAJESH VASANTRAO ADE...VS.. STATE OF MAH. THR. P.S.O. MAHAGAON, 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 Aditya Patil(Mane), Advocate for Applicant.
Shri T.A.Mirza, A.P.P. for Non-applicant.

CORAM : Z.A.HAQ, J.

DATED : JUNE 30, 2017.

Heard.

The applicant is arrested on 16th April, 2017 in crime registered against him and another accused for the offences punishable under Sections 354-A, 376(2)(d), and 506 of the Indian Penal Code and Section 67 of the Information Technology Act.

The crime is registered on the compliant lodged by the prosecutrix who is above 17 years of age but below 18 years. According to the Investigating Agency, the accused has repeatedly committed the crime, as alleged, on the victim/prosecutrix. The complaint is lodged after some obscene photographs of the complainant had gone viral. According to the Investigating Agency, the prosecutrix became pregnant and the report of DNA test is awaited.

The applicant, aged about 21 years, claims to be a student. The applicant has stated that he is not involved in any other crime/ offence. These facts are not controverted by the non-applicant in the reply filed by it before the Sessions Court, the copy of which is placed on record at page No.19.

Considering the facts of the case and nature of the accusations against the applicant, in my view, the applicant is entitled for protection.

Hence, the following order:

In the event of arrest in Crime No. 242/2017, registered by the non-applicant, the applicant be released on bail on executing P.R. Bond for Rs.Twenty Five Thousand and furnishing one solvent surety in the like amount.

The application is **allowed** accordingly.

JUDGE

LATER ON :

At the time of processing the matter for issuance of writ of the order the office noted that in the concluding paragraph instead of "*The applicant having been arrested in connection with Crime No.242/2017,*" inadvertently it is transcribed as "*In the event of arrest in Crime No. 242/2017,*".

The office pointed out the mistake at about 5.10 p.m. Though nobody appeared for the applicant, Shri N.R. Patil, learned A.P.P. who is available, submitted that the error may be corrected and the non-applicant has no objection in the matter.

It is directed that in the concluding paragraph the sentence "*In the event of arrest in Crime No.242/2017*", be deleted and it be substituted by sentence "**The applicant having been arrested in connection with Crime No.242/2017,**" so that the concluding paragraph reads as follows:

"The applicant having been arrested in connection with Crime No.242/2017, registered by the non-applicant, the applicant be released on bail on executing P.R. Bond for Rs.Twenty Five Thousand and furnishing one solvent surety in the like amount."

The order be read accordingly and further steps be taken in the matter.

JUDGE

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