

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

CRIMINAL APPLICATION (BA) NO. 620 OF 2017

(SHRI. MORESHWAR SUKKAL KHANDALE...VS.. STATE OF MAH. THR. P.S.O. PS VELTURE,
DIST.NAGPUR)

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

Court's or Judge's orders

Shri A. Z. Jibhkate, Advocate for Applicant.
Shri V. A. Thakre, A.P.P. for Non-applicant.

CORAM : Z.A.HAQ, J.

DATED : 12th JULY, 2017.

The applicant is arrested on 25th March, 2017 in connection with crime registered against him for the offences punishable under Sections 363, 376(2)(i)(n), 366(a) of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act.

The crime is registered on the complaint lodged by Shyamrao (father of the victim) that the applicant has committed crime against the victim (aged about 15 years).

The learned advocate for the applicant has pointed out that the statement of the victim recorded on 22nd March, 2017 does not refer about any incident of sexual assault against her, however, the applicant is falsely implicated subsequently on the basis of supplementary statement of the victim. It is argued that Medico Legal Examination Report of the victim prima facie does not support the case of the Investigating Agency as the Doctor has not given definite opinion of forcible sexual intercourse with

the victim. It is argued that the report of medical examination of the applicant also does not prima facie support the case of the Investigating Agency.

Be that as it may, the investigation is complete and charge-sheet is filed. The applicant, aged about 50 years, claims to be an agriculturist and has stated that he is not involved in any other crime/offence. The non-applicant has not been able to point out that further custody of the applicant is required for investigation.

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

The applicant having been arrested in connection with Crime No.22 of 2017 registered by the non-applicant, he be released on bail on executing P. R. Bond for Rs.25,000/- and furnishing one solvent surety in the like amount.

The application is **allowed** in the above terms.

JUDGE

PBP