

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

CRIMINAL APPLICATION (BA) NO. 621 OF 2017

(KANKAR S/O LAXMAN LILHARE...VS.. STATE OF MAH. THR. P.S.O. PS DAWANIWADA,
DIST.GONDIA)

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

Court's or Judge's orders

Shri R. M. Pande, Advocate for Applicant.
Shri T. A. Mirza, A.P.P. for Non-applicant.

CORAM : Z.A.HAQ, J.

DATED : 12th JULY, 2017.

Heard.

The applicant is arrested on 2nd December, 2016 in connection with crime registered against him and two others for the offence punishable under Sections 363, 366(A), 376(2)(i)(j) and Section 109 of the Indian Penal Code, Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 on the accusations that he has committed crime on the victim aged about 16 years.

The application is opposed on the ground that the victim herself has stated the details of the crime committed by the accused and there are statements of eye witnesses who have seen the accused with victim.

The forensic medical examination report of

the victim prima facie does not support the claim of the investigating agency that the applicant has sexually exploited her. The statement of the victim is not recorded as required by Section 24 of the Protection of Children from Sexual Offences Act, 2012. The applicant has stated that he is not involved in any other crime / offence which fact is not controverted by the non-applicant. The investigation is complete and charge-sheet is filed on 17th February, 2017. The non-applicant has not been able to show that the custody of the applicant is required for further investigation.

Considering the nature of accusations against the applicant and the facts of the case, following order is passed:

The applicant having been arrested in Crime No.43/2016 registered by the non-applicant, he be released on bail on executing P.R. bond for Rs.25,000/- (Rs. Twenty Five Thousand) and on furnishing two solvent sureties in the like amount.

The application is **allowed** accordingly.

JUDGE