

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

CRIMINAL APPLICATION (BA) NO. 636 OF 2017

(SAHIL @ BAJARANG S/O BHOGANLAL GUJJAR...VS.. STATE OF MAH. THR. P.S.O. PS KOTWALI,
 NAGPUR. 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 C. B. Barve, Advocate for Applicant.
 Shri V. A. Thakre, A.P.P. for Non-applicant.

CORAM : Z.A.HAQ, J.

DATED : 17th JULY, 2017.

The applicant is arrested on 17th February, 2017 in connection with Crime No.20 of 2017 registered against him for offence punishable under Sections 376(2)(j), 376-D and 506-B of the Indian Penal Code and Sections 4, 6 and 9 of Protection of Children from Sexual Offences Act, 2012 that he has sexually assaulted the victim, aged about 17 years.

The facts on record show that the applicant, aged about 23 years and the victim had been knowing each other and the victim had gone alongwith the applicant to the place where the crime is alleged to have been committed.

The application is opposed on the ground that the victim is minor and the report of medical examination of the victim supports the claim of the Investigating Agency.

Though the Medico Legal Examination Report of Sexual Violence suggests recent forceful penetration of vagina, final opinion is not given and it is preserved till receipt of FSL report.

The applicant, aged about 23 years, claims to be a labourer and has stated that he is not involved in any other crime/offence. The investigation is complete and charge-sheet is filed on 15th May, 2017. The non-applicant has not been able to show that custody of the applicant is required for further investigation.

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

The applicant having been arrested in connection with Crime No.20 of 2017 registered by the non-applicant, he be released on bail on executing P. R. Bond for Rs.20,000/- and furnishing one solvent surety in the like amount.

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

JUDGE

PBP