

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

CRIMINAL APPLICATION (BA) NO. 668 OF 2017

(RAVI S/O ANAND SURVE...VS...STATE OF MAH. THR. P.S.O. PS KARANA (RURAL), DIST.WASHIM)

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

Court's or Judge's orders

Shri A. P. Tathod, Advocate for Applicant.
Shri T. A. Mirza, A.P.P. for Non-applicant.

CORAM : Z.A.HAQ, J.

DATED : 20th JULY, 2017.

Heard.

The applicant is arrested on 4th February, 2017 in connection with Crime No.11 of 2017 for the offence punishable under Sections 363, 366-A, 376 of the Indian Penal Code and Sections 3 and 4 of the Protection of Children from Sexual Offences Act.

The crime is registered on the complaint lodged by Ramdas Wadkar that the applicant has sexually assaulted his daughter aged about 15 years and 4 months.

The learned advocate for the applicant has submitted that the applicant and the victim had been in an affair and there is no forcible sexual assault by the applicant on the victim.

The application is opposed on the ground that the issue of consent is irrelevant as the victim is minor.

Be that as it may, the investigation is complete and charge-sheet is filed on 15th March, 2017 and the non-applicant has not been able to point out that further custody of the applicant is required for investigation. The applicant, aged about 20 years, claims to be an auto-rickshaw driver and has stated that he is not involved in any other crime/offence.

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

The applicant having been arrested in connection with Crime No.11 of 2017 registered by the non-applicant, he be released on bail on executing P. R. Bond for Rs.20,000/-.

The application is **allowed** accordingly.

JUDGE

PBP