

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

CRIMINAL APPLICATION (BA) NO.694/2017

Pradeep S/o Ramchand Mordeve

..Vs..

State of Maharashtra, through its P.S.O., P.S. Salekasa, Distt. Gondia

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

Court's or Judge's orders

Shri N.R. Tekade, Adv. for the applicant.
Shri A.D. Sonak, A.P.P. for the non-applicant / State.

CORAM : Z.A.HAQ, J.

DATE : 27.7.2017.

Heard.

The applicant is arrested on 19th February 2017 in connection with Crime No.39/2017 registered against him for the offence punishable under Sections 376(1), 506 and 323 of the Indian Penal Code and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The crime is registered on the complaint lodged by prosecutrix (aged about 54 years) that when she had been to the lake near the village to wash clothes, taking advantage of loneliness, the applicant has committed the crime.

The learned Advocate for the applicant has pointed out that the prosecutrix claims, as reflected in the F.I.R. that the applicant had dragged her, however, the report of medical examination of the prosecutrix does

not support her claim.

Be that as it may, the investigation is complete and charge-sheet is filed on 6th April, 2017. The non-applicant has not been able to point out that further custody of the applicant is required for investigation. On going through the F.I.R. I find that ingredients necessary to constitute the offence punishable under Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 prima facie are not made out.

The applicant, aged about 30 years, claims to be a Labourer 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.39/2017 registered by the non-applicant, he be released on bail on executing P.R. bond for Rs.20,000/- (Rs. Twenty Thousand) and furnishing one solvent surety in the like amount.

The application is **allowed** accordingly.

JUDGE