

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

CRIMINAL APPLICATION (BA) NO.742 OF 2017

Chandu s/o Purushottam Lohakare

..VS..

State of Maharashtra, through P.S.O. P.S. Warora, Tahsil Warora, District
Chandrapur

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

Court's or Judge's Order

Shri S.M. Sable, Counsel for the applicant.

Shri R.S. Nayak, Addl.P.P. for the non-applicant/State.

CORAM : V.M. DESHPANDE, J.

DATED : AUGUST 9, 2017.

Heard learned counsel Shri S.M. Sable for the
applicant and learned Additional Public Prosecutor Shri R.S.
Nayak for the non-applicant/State.

The present criminal application is for grant of
regular bail.

The present applicant is arrested on 5.3.2017 in
connection with Crime No.313 of 2017 registered with Police
Station Warora, District Chandrapur.

Investigating officer has already completed entire
investigation and charge-sheet is already filed before the Court
of law. The offences, as disclosed in the first information report,
are punishable under Sections 354, 323, 341, 342, and 366 read

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with Section 34 of the Indian Penal Code, 1860 and Section 12 of the Protection of Children from Sexual Offences Act, 2012 and Section 3(1)(w)(i) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The first information report is lodged by the victim herself. Through the report, the victim states that on the day of the incident the present applicant along with other co-accused persons accosted her when she was proceeding to attend her school and the co-accused forcibly took her inside the car in which the present applicant was sitting. Thereafter, at a secluded place the car was taken. There, the present applicant disclosed that he wished to marry with the victim. However, on the said, the victim refused. Thereafter, the present applicant has slapped on her cheeks and she was confined.

Every woman has a right to deny any proposal made to her by anybody in respect of marriage. The wish of said lady will always prevail in respect of her matrimonial alliance.

In the present case, the charge-sheet is already filed and this Court has already released the co-accused on bail by order dated 28.6.2017.

Looking to the material as available in the first information report and looking to the fact that the investigation is already over and the charge-sheet is already filed, in my view,

further custodial presence of the applicant is not required.

Hence, I pass the following order:

ORDER

i) The criminal application is allowed.

ii) The applicant be released on bail, in connection with Crime No.313 of 2017 registered with Police Station Warora, District Chandrapur for the offences punishable under Sections 354, 323, 341, 342, and 366 read with Section 34 of the Indian Penal Code, 1860 and Section 12 of the Protection of Children from Sexual Offences Act, 2012 and Section 3(1)(w)(i) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, on his executing a P.R. Bond in the sum Rs.15,000/- with two solvent sureties.

iii) The applicant shall not try to make any contact, whatsoever in nature, with the victim.

iv) The applicant shall not try to influence mind of the victim and shall not pressurize her, in any way.

v) The applicant shall attend the Police Station Warora, District Chandrapur twice in a month i.e. on first Monday and third Tuesday in between 3:00 p.m. and 5:00 p.m., till culmination of the Trial.

vi) With this, the criminal application is allowed and disposed of.

JUDGE

!! BRW !!

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