

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

CRIMINAL APPLICATION (BA) NO.829/2017

**(Macchindra s/o Vithoba Sahare and ors. .vs. State of Maharashtra thr. PSO P.S.
Nagbhid, Dist. Chandrapur)**

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

Court's or Judge's orders.

Mr. Rohit Joshi, Advocate for applicants.
Mr. V. Gangane, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.

DATE : SEPTEMBER 8, 2017.

At the outset, learned counsel for the applicant submits that he has instructions to withdraw the application insofar as the applicant no.4-Ankush Natthu Randive is concerned.

The prayer is accepted.

The applicants are arrested in connection with Crime No.257/2017 registered with Police Station, Nagbhid, Dist. Chandrapur for an offence punishable under Section 376 of the Indian Penal Code read with Section 6-E, 67, 67-A of the Information and Technology Act, 2000.

As per the prosecution, the victim developed relations with accused Ravindra, a teacher. As per the prosecution case, when he along with the victim was returning from Nagpur to Nagbhid in a bus, he committed rape on the victim. Even as per the case of the prosecution, none of the present applicants is responsible

for sexual assault on the victim nor it is the case of the prosecution that in any way they helped the accused Ravindra in commission of the heinous offence of rape.

According to the prosecution, the applicants who are employees of the travelling company, after the victim and the accused alighted from the bus, the applicant no.4-Ankush photographed the sexual activities of the victim while watching the footage of CCTV cameras fitted in the bus on LED TV.

The prosecution nowhere states that the applicant nos. 1 to 3 have helped the applicant no.4 nor it is the case of the prosecution that their mobile phones were having photographs of the sexual happening in the bus. The allegations against the present applicants is that they saw said CCTV footage. That is the only allegation against the present applicants.

In view of the aforesaid, I see no reason that the applicant nos.1 to 3 should languish in jail for any further period since they are already in jail since 04.07.2017. Hence, following order is passed.

ORDER

(i) Criminal Application No.829/2017 is rejected insofar as applicant no.4-Ankush Natthu Randive is concerned.

(ii) The application is allowed insofar as applicant nos. 1 to 3 are concerned.

(iii) Applicant no.1-Macchindra s/o Vithoba Sahare, applicant no.2-Sarangdhar s/o Baburao Ramteke and applicant no.3-Rakesh s/o Madhukar Khobragade, be released on bail in connection with Crime No.257/2017 registered with Police Station, Nagbhid, Dist. Chandrapur for an offence punishable under Section 376 of the Indian Penal Code read with Section 6-E, 67, 67-A of the Information and Technology Act, 2000, on they executing P.R. Bond in the sum of Rs.25,000/- each with one solvent surety each in the like amount.

The application stands disposed of.

JUDGE

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