

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

CRIMINAL APPLICATION (ABA)NO.647/2017

Abdul Sattar @ Zia s/o Abdul Haq .vs.. State of Maharashtra through PSO
P.S. Old Kamptee, Nagpur

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

Court's or Judge's orders.

Mr. B. H. Tekam, Advocate for applicant.
Mr. T. A. Mirza, A.P.P. for non applicant-State.

CORAM : V.M. DESHPANDE, J.
DATED : SEPTEMBER 12, 2017

Mr. B. H. Tekam, Advocate for applicant and
Mr. T. A. Mirza, A.P.P. for non applicant-State.

Though case is coming for the first time,
learned A.P.P. is armed with instructions and has filed
reply on behalf of the State. The reply is taken on record.

The applicant is apprehending his arrest in
connection with Crime No.30/2017, registered with
Police Station, Old Kamptee, Nagpur for an offence
punishable under Sections 376, 363 of the Indian Penal
Code and Section 8 of the Protection of Children from
Sexual Offences Act, 2012.

Even as per the prosecution, age of the
prosecutrix is 17 years 11 months. The police papers
show that consent is not completely ruled out.
Looking to the age of the prosecutrix, it is clear
that the victim is at the verge of attending
the age of consent. The reply shows that
custodial presence of the applicant is necessary for the

purpose of interrogation only and that can be achieved by directing the applicant to attend Police Station.

In view of above, following order is passed.

ORDER

- (i) Criminal Application No.647/2017 is allowed.
- (ii) The applicant Abdul Sattar @ Zia s/o Abdul Haq, in the event of his arrest in connection with Crime No.30/2017, registered with Police Station, Old Kamptee, Nagpur for an offence punishable under Sections 376, 363 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act, 2012, be released on bail on he executing P.R. Bond in the sum of Rs.25,000/- with two solvent sureties in the like amount.
- (iii) The applicant shall attend Police Station, Old Kamptee, Nagpur on 14.09.2017, 16.09.2017, 18.09.2017 and 19.09.2107 and shall remain with the investigating officer from 11.00 a.m. to 5.00 p.m. During this period, it is expected that the investigating officer will complete the entire investigation.
- (iv) The applicant shall not extend any threats to the victim or any of the witnesses.

The application is disposed of accordingly.

JUDGE