

FARAD CONTINUATION SHEET No.  
IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH AT NAGPUR

**CRIMINAL APPLICATION (BA) NO. 949/2017**

(LOKESH GHANSHYAM GANGAHEDE **VERSUS** STATE OF MAHARASHTRA, THR. PSO PS MANKAPUR,  
 NAGPUR)

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

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 Shri A.R. Prasad, counsel for the applicant.  
 Shri M.J. Khan, A.P.P. for the non-applicant.

**CORAM : A.S. CHANDURKAR, J.**

**DATE : OCTOBER 11, 2017.**

The applicant, who has been arrested on 21.07.2017 in connection with Crime No.163/2017 dated 21.07.2017 registered with Police Station Mankapur for the offences punishable under Sections 354(C), 376(2)(e)(i)(k), 323 and 506 of the Penal Code and Sections 5(c)(d)(e) and 9 of the Protection of Children from Sexual Offences Act, 2012 and Section 66E of the Information Technology Act, seeks his release on bail.

As per the first information report dated 21.07.2017, on 14.07.2017 when the victim girl was taking her bath, the applicant has alleged to have taken her photographs. Subsequently, it is alleged that the applicant had indulged in unnatural sex with the victim. The report was lodged by the Warden on 21.07.2017. The applicant came to be arrested on the next date.

It is submitted on behalf of the applicant that the victim is mentally unsound and was taking treatment at the mental hospital. The allegations as made are with regard to the acts which were not possible to have been committed at the said hospital. It is submitted that the mobile phone

through which, the photographs were alleged to be taken has been seized. The medical report also does not indicate any injuries on the private parts of the victim so as to allege that the applicant was guilty of committing unnatural sex.

The application is opposed by learned Additional Public Prosecutor by referring to the first information report as well as the police papers. It is stated that considering the nature of allegations, the applicant is not entitled for any discretion. The mental condition of the victim not being sound, the allegations as made appear to be possible.

Perused the first information report as well as the papers collected by the prosecution. The mobile phone by which the applicant is alleged to have taken some photographs has been duly seized. The medical examination of the victim does not indicate injuries on her private parts. The incident in question is alleged to have occurred on 14.07.2017 while the report is lodged after almost six days. On an earlier occasion, a similar report was lodged against another person. In view of aforesaid, I find that the applicant is entitled for being released on bail.

The criminal application is allowed. The applicant, who has been arrested pursuant to Crime No.163/2017 dated 21.07.2017 registered with Police Station Mankapur, be released on furnishing P.R. Bond in the sum of Rs.20,000/- with one surety in like amount. He shall attend the concerned police station as per the directions of the Investigating Officer till the filing of the charge-sheet. No steps be taken to influence the prosecution witnesses. The observations made in this order are only for deciding the bail application.

The criminal application stands disposed of.

**JUDGE**

APTE