

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY:**  
**NAGPUR BENCH : NAGPUR**  
**Criminal Application [ABA] No.706 of 2017**  
**[Damodhar Kisan Bele Vs. State of Mah., Bibi PS, Distt. Buldana]**

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

**Court's or Judge's orders**

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Mr. S. A. Chaudhari, Adv., for the applicant.  
Mr. T. A. Mirza, APP for non-applicant.

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

**DATE : 04<sup>th</sup> October, 2017**

The applicant apprehends his arrest in connection with Crime No. 20/2017 that was initially registered under provisions of Sections 376, 306, 354, 504, 506, 34 and 109 of the Indian Penal Code.

A report was lodged by one Vandana Rathod on 26th April, 2017 stating therein that on 23rd April, 2017, her daughter and her friend had left the house for visiting Lonar lake. They had gone in a white-coloured car of one Suchit Rathod. During said travel, the co-travellers in the said car misbehaved with her daughter. After returning back, this incident was narrated by her daughter to her. Thereafter, on 25th April, 2017, her daughter was again threatened by one Avinash Ade and thereafter on 26th April, 2017, her daughter committed suicide. On the basis of this report, the other accused came to be arrested and a charge-sheet came to be

filed. The present applicant was shown absconding.

Shri S.A. Chaudhari learned counsel for the applicant, submitted that the only role attributed to the present applicant is of travelling in the vehicle in which the said incident took place. According to him, the overt acts were committed by the other accused who have been arrested. The applicant is serving as a teacher and he was present at the place of his service when the incident took place. Hence, it is submitted that the applicant deserves to be protected from arrest.

Shri T. A. Mirza, learned Addl. Public Prosecutor, submitted that the statement of the friend of the victim – Roopali clearly implicates the present applicant, inasmuch as she had seen the present applicant in the said vehicle and also going towards the jungle near Lonar. It is further submitted that the medical examination of the deceased revealed forcible intercourse. All other accused have been identified by the said witness and hence custody of the present applicant is also necessary.

Perused the material placed on record including the charge-sheet filed against other accused. Also perused the statement of the witness – Roopali who has referred to the presence of present applicant in the vehicle and thereafter he having accompanied the other accused towards the jungle. Considering this material

that is available on record and the seriousness of the crime, I do not find that the applicant has made out a case for grant of protection from arrest. Hence, the application stands rejected.

**Judge**

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