

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

CRIMINAL APPLICATION (BA) NO.74/2018

Lakhan s/o Govind Rathod and anr. ..vs.. State of Maharashtra, through
PSO P.S. Pusad (Rural) Dist. Yavatmal.

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

Court's or Judge's orders.

Mr. R. S. Kurekar, Advocate for applicants.
Mr. N. B. Jawade, A.P.P. for non applicant-State.

CORAM : V.M. DESHPANDE, J.

DATED : FEBRUARY 6, 2018

1. Heard Mr. R. S. Kurekar, Advocate for applicants and Mr. N. B. Jawade, A.P.P. for non applicant-State. With the assistance of both the learned counsel for the parties, I have perused the copy of the charge-sheet.

2. The present application is filed by the applicants for enlarging them on bail. The applicants are arrested in connection with Crime No.422/2017 registered with Police Station, Pusad (Rural), Tq. Pusad, Dist. Yavatmal for an offence punishable under Sections 307, 354, 354 (D) read with Section 34 of the Indian Penal Code and Section 12 of the Protection of Children from Sexual Offences Act, 2012.

3. Both the applicants are arrested on 25.10.2017 and since then they are in jail. The investigating officer has already completed its entire investigation and the charge-sheet is already filed on record. The FIR is lodged by the

victim herself. From the FIR, it is clear that her age is 17 years. According to the FIR, the applicant no.1 was following her for quite some time and used to say that he is in love with her. However, she used to refuse. Thus, it is one track love on the part of the applicant no.1. According to the FIR, on 23.10.2017, the applicant no.1 again asked the victim that he is in love with her, why she is refusing and thereafter thrown her inside the well with the help of the applicant no.2 and ran away from the spot.

4. Page 40 of the compilation is the injury certificate of the victim. The injuries are simple in nature. At no point of time, the victim was an indoor patient.

5. Since the charge-sheet is already filed and the victim has suffered simple injuries, in my view, further custodial presence of the applicants is not necessary.

6. Learned A.P.P. submitted that the applicants are residing in the same village. Therefore, there is possibility of threatening the victim by the applicant. On that the learned counsel for the applicants submitted that the applicants will not enter within the territorial jurisdiction of village Singarwadi, Tq. Pusad, Dist. Yavatmal till the culmination of the trial.

In my view, this undertaking takes care of the apprehension in the mind of the learned A.P.P.

7. In that view of the matter, following order is passed.

ORDER

- (i) Criminal Application No.74/2018 is allowed.
- (ii) Applicant no.1-Lakhan s/o Govind Rathod and applicant no.2-Sandip s/o Mohan Rathod be released on bail in connection with Crime No.422/2017 registered with Police Station, Pusad (Rural), Tq. Pusad, Dist. Yavatmal for an offence punishable under Sections 307, 354, 354 (D) read with Section 34 of the Indian Penal Code and Section 12 of the Protection of Children from Sexual Offences Act, 2012 on they executing P.R. Bond in the sum of Rs.25,000/- each with two solvent sureties each in the like amount.
- (iii) The applicants shall furnish their address of residence to the learned Additional Sessions Judge before whom they will be executing their bail bonds. They are also directed to communicate their address to the investigating officer by taking appropriate steps.
- (iv) The learned Additional Sessions Judge before whom bail bonds will be executed shall direct the applicants to attend that Police Station which is near to their place of residence. They shall attend the said police station once in a month i.e. on third Saturday of each month between 03.00 p.m. to 05.00 p.m. till the culmination of trial.
- (v) Till culmination of Sessions Trial No.29/2017, the applicants shall not enter within the territorial jurisdiction of village Singarwadi, Tq. Pusad, Dist. Yavatmal.

(vi) The applicants shall not try to influence or pressurize the victim in any manner whatsoever.

(vii) If it is noticed that the applicants have committed any breach of the conditions then in that event it will be open for the prosecution to file appropriate application for cancellation of bail.

(viii) The observations made in the order are prima facie in nature and made only for the purpose of deciding the application for grant of bail. The learned trial Court shall not get influenced by any of the observations made in this order.

JUDGE