

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

CRIMINAL APPLICATION (BA) NO.77/2018

Sachin Dharmendra Bahgele

..vs..

State of Mah., thr. PSO PS Tiroda, Tahsil Tiroda, District Gondia

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

Court's or Judge's Order

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Shri A.A. Dhawas, Counsel for the applicant.

Shri A.D. Sonak, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : JANUARY 29, 2018.

1. Heard learned counsel Shri A.A. Dhawas for the applicant and learned Additional Public Prosecutor Shri A.D. Sonak for the State.

2. The present application is under Section 439 of the Criminal Procedure Code for grant of bail.

3. The applicant is arrested on 5.8.2017 in connection with Crime No.358/2017 registered with Police Station Tiroda, Tahsil Tiroda, District Gondia for the offences punishable under Section 376-D of the Indian Penal Code, Section 5(g)(i) of the Prevention of Children from Sexual Offences Act, 2012 and Section 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4. The date of birth of the victim is 7.1.2000, as per the

birth certificate. The date of incident is 30.7.2017. The first information report is lodged 4.8.2017. Thus, even as per the prosecution case, on the day of the alleged incident, the victim has completed 17 years of her age. Further, she is taking coaching to become an IAS Officer, is her version.

5. Thus, it is crystal clear that the victim is not a rustic girl and or does not know the importance of lodging the FIR, at the earliest. No plausible explanation is given for lodging the FIR, after five days.

6. The charge-sheet is already filed and entire investigation is already over in respect of the applicant.

7. Looking to the nature of accusations made against the applicant and in view of the fact that the applicant resides at Tiroda and the victim resides in Chattisgarh State, in my view, the applicant need not to continue his custodial presence. Consequently, I pass the following order:

ORDER

(a) The criminal application is allowed.

(b) Applicant Sachin Dharmendra Bahgele, be released on bail on his executing a P.R. Bond in the sum of Rs.25,000/- with two solvent sureties of the like amount in connection with Crime No.358/2017 registered with Police Station Tiroda, Tahsil Tiroda,

District Gondia for the offences punishable under Section 376-D of the Indian Penal Code, Section 5(g)(i) of the Prevention of Children from Sexual Offences Act, 2012 and Section 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

(c) The applicant shall attend the police station once in a month i.e. on every last Sunday of every month and shall be with the investigating officer from 3:00 p.m. to 5:00 p.m., till culmination of the Trial.

(d) The applicant shall not extend any type of threats either to the victim or any of the prosecution witnesses.

(e) With this, the criminal application is allowed and disposed of.

JUDGE

!! BRW !!

...../-