

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

CRIMINAL APPLICATION (BA) NO.112/2018

Bharat Shivcharan Rahangdale ..vs.. State of Maharashtra through PSO P.S.
Lakhni, Bhandara

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

Court's or Judge's orders.

Mr. P. S. Tidke, Advocate for applicant.
Mr. M. K. Pathan, A.P.P. for non applicant-State.

CORAM : V.M. DESHPANDE, J.
DATED : FEBRUARY 20, 2018

1. Heard Mr. P. S. Tidke, Advocate for applicant and
Mr. M. K. Pathan, A.P.P. for non applicant-State.

2. The applicant is praying for his release on bail
since he is arrested in connection with Crime No.148/2017,
registered with Police Station Lakhani, District Bhandara for
an offence punishable under Sections 376, 366, 370, 109,
506 of the Indian Penal Code and Section 8 and 12 of the
Protection of Children from Sexual Offences Act, 2012.

The investigation is over and charge-sheet is
already filed.

3. The First Information Report is lodged by the
victim herself. At the time of lodging of the report, the
victim was aged about 23 years and she is married. In the
FIR it is stated that the present applicant is stepfather. The

FIR further shows that her marriage took place in the year 2011 with one Pravin. In the present crime, apart from the present applicant who is stepfather, the complainant has also joined her mother. There are serious allegations against her mother also. The incident in question insofar as the physical atrocities on the victim by the present applicant is concerned, those have taken place about seven years back. For good seven years, the victim kept mum. Further, even after her marriage she did not disclose anything to her husband about the atrocities committed on her by her stepfather. From the FIR, it is clear that subsequent to her marriage, there was a matrimonial discord between her and her husband. It is stated in the FIR that after that her marriage was performed with a person from Gujarat and for that purpose, her mother has taken her to Gujarat. There are no allegations about performance of said marriage by the applicant. It is further stated in the FIR that thereafter also the first informant was tried to be sold to the third person by her mother for a consideration of Rs.1,00,000/-. However, that deal was not finalized. Even for that purpose, there are no allegations against the present applicant. All the allegations are against her mother. According to the FIR, thereafter she again came back to the village Garada along with her mother and thereafter the dispute between her erstwhile husband and the first informant was settled and thereafter FIR was lodged.

4. The investigation is already over. The learned A.P.P. submitted that all other accused persons are already released on bail. In that view of the matter, looking to the nature of accusations and lodging of the report after seven years, in my view, the applicant has made out a case for grant of bail. Hence, following order is passed.

ORDER

- (i) Criminal Application No.112/2018 is allowed.
- (ii) Applicant-Bharat Shivcharan Rahangadale be released on bail in connection with Crime No.148/2017, registered with Police Station Lakhani, Bhandara for an offence punishable under Section 376, 366, 370, 109, 506 of the Indian Penal Code and Section 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, 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, Lakhani, Dist. Bhandara once in a month till the trial is over. The applicant shall attend Police Station on third Saturday of every month.

The application is disposed of accordingly.

JUDGE