

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

CRIMINAL APPLICATION (BA) NO.482 OF 2018

(Vivek Prabhakar Karmankar Vs. State of Mah thr. PSO PS Rajura, Tah. Rajura, Dist.
Chandrapur)

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

Court's or Judge's orders.

Shri N.A. Chawhan, Advocate for Applicant.
Shri C.A. Lokhande, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 13th JULY, 2018.

1] The applicant is in custody since 20.12.2017 in connection with Crime 1300/2017 registered with the Police Station Rajura, District Chandrapur for offence punishable under sections 376 (2)(j) and 506 of the Indian Penal Code and section 3(a), 4, 5(m) of the Protection of Children from Sexual Offences Act, 2012.

2] The first information report dated 19.12.2017 which is lodged after a week of the alleged incident, even if taken at face value, does not disclose commission of offence punishable under section 376 (2)(j) or any penetrative assault. Whether act alleged would only be preparation or would be an attempt to rape is a matter to be determined on the basis of evidence adduced.

3] However, I do not see any reason why the applicant should continue to languish in jail.

4] The victim and her family, which were neighbours of the applicant are reportedly staying elsewhere in Rajura. This application can be allowed subject to stringent conditions including the condition that the applicant shall not enter the territorial limits of Rajura.

5] The application is allowed.

[i] The applicant be released on bail on his furnishing a personal bond of Rs.15,000/- with a solvent surety of the like amount.

[ii] The applicant shall not enter the territorial limits of Rajura unless he is permitted to do so by the learned Trial Judge for exceptional and compelling reason.

[iii] The applicant shall not tamper with the evidence nor shall applicant directly or indirectly attempt to influence the witnesses in any manner.

JUDGE