

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

CRI. APPLICATION (ABA) NO. 347 OF 2018

(RAJESH TUKARAM SHELKE....VS.. STATE OF MAH. THR. PSO ACHALPUR, DIST. AMRAVATI.)

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

Court's or Judge's orders

Shri D.S.Khushalani, Advocate for applicant.
Shri N.B.Jawade, A.P.P. for Non-applicant.

CORAM : Z.A.HAQ, J.

DATED : MAY 25, 2018.

Heard.

2. The applicant (aged about 20 years) seeks pre-arrest bail apprehending arrest in connection with crime registered against him by the non-applicant for the offences punishable under Section 376 of the Indian Penal Code read with Section 4 of the Protection of Children from Sexual Offences Act, 2012. The crime is registered on the complaint of victim (aged about 15 ½ years).

3. The accusations against the applicant are that when the victim was going to field to collect fodder, the applicant came there on motorcycle and asked her to sit as pillion rider and said that he would drop the complainant/ victim at the place where she was going, and as the complainant/ victim was knowing the applicant she accepted the offer, however, the applicant took her to a scheduled place and committed the crime.

The complaint is lodged on 2nd March, 2018 in respect of the offence alleged to have been committed on 12th November, 2017.

4. The applicant claims to be a labourer. The applicant has stated that he is not involved in any other crime/ offence. The application is opposed by the non-applicant / Investigating Agency and it is argued that the parents of the victim are not residing in the village where the victim and the applicant are residing and the victim is residing with her grandfather and in these facts, there is every possibility that the applicant may pressurize the victim. However, the Investigating Agency has not been able to substantiate their apprehension. The Investigating Agency has not pointed out that the custody of the applicant is required for further investigation.

5. In the facts of the case, the following order is passed:

In the event of arrest in connection with Crime No.38 of 2018, registered by the non-applicant, the applicant be released on bail on executing P.R. bond for Rs.Twenty Thousand and furnishing one solvent surety in the like amount.

The applicant shall attend the trial on every date unless granted exemption by the trial Court.

The application is **allowed** in the above terms.

JUDGE