

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

CRIMINAL APPLICATION (BA) 536 OF 2018

(Vaibhav s/o. Haridas Bhende & anr..vs.. State, thr PSO, PS Karanja (Rural))

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

Court's or Judge's orders.

Shri T.U. Tathod, counsel for the applicant.
Shri T.A. Mirza, APP for State.

CORAM: ROHIT B. DEO, J.

DATE: 19th June, 2018.

Heard.

2 The applicants are in custody since 15.5.2018 in connection with Crime 35 of 2018 registered with the Police Station Karanja (Rural) for offence 366, 341 and 354(A)(1) read with section 34 of the Indian Penal Code and section 7 and 8 of the Protection of Children from Sexual Offences Act.

3 Perusal of the First Information Report which discloses the age of the victim as 17 years 8 months would reveal that prima facie the victim, who though claims to be a minor is surely of the age of understanding, willingly accompanied the applicant 1.

4 Having perused the material on record inter-alia the statement of the victim, prima facie, it does not appear to be appropriate to continue the incarceration of the applicants. In so far as the applicant 2 is concern, there is absolutely no material to link him with the alleged crime. In so far as applicant 1 is concern, there is a real possibility

that he and the victim were in a relationship. That apart, even according to the victim, there is absolutely no misbehavior with her. On a holistic consideration of the material on record, I am inclined to allow the application.

5 The applicants be released on furnishing personal bond of Rs. 15,000/- each with a solvent surety of like amount.

6 The applicants shall not tamper with the evidence nor shall attempt to influence the witnesses in any manner.

JUDGE

RSB