

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

Criminal Application (BA) No.767 of 2018
(Shivaji Bhagwan Ambhore .vs. State of Maharashtra through PSO PS
Nandura)

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

Court's or Judge's orders.

Mr. N.B. Kalwaghe, Advocate for Applicant.
Mr. T.A. Mirza, APP for Respondent.

CORAM : NITIN W. SAMBRE, J.
DATED : AUGUST 20, 2018.

In Crime No. 507 of 2017 registered with the non-applicant, the applicant is charge-sheeted for an offence punishable under Sections 363, 376 read 34 of the Indian Penal Code and Sections 4 and 8 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act). The applicant came to be arrested on 26.01.2018.

It is the case of the prosecution that the victim girl along with a co-accused Kavita, who was residing adjacent to her house, left for Aurangabad on 28.10.2017 on their own.

The Police could trace the applicant and Kavita on 05.12.2017. In the statement of the victim girl recorded on 06.12.2017, there are no allegations of sexual harassment but for an offence punishable under Section 363 of the IPC.

In a supplementary statement recorded after a period of about 24 days, the victim girl has implicated the applicant in an offence punishable under Sections 4

and 8 of the POCSO Act.

If the statements of the victim girl recorded on 06.12.2017 and 30.12.2017 are appreciated in the light of the medical evidence, there is no material to *prima facie* infer the involvement of the applicant in the said crime. Apart from above, even the statement of the landlord and lady are not supporting the case of the prosecution.

Co-accused Kavita is already ordered to be released on bail by the Sessions Court on 08.06.2018.

That being so, the present applicant deserves to be released on bail. Hence the following order:-

- (i) The applicant shall be released on bail on furnishing personal bond of Rs.15,000/- with one or two solvent sureties in the like amount.
- (ii) The applicant shall attend the dates of hearing and shall cooperate for the expeditious disposal of the trial.
- (iii) The applicant shall not tamper with prosecution evidence nor shall attempt to influence the prosecution witnesses in any manner.

JUDGE

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