

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

CRIMINAL APPEAL NO.619/2018

Manoj Ramgir Giri,
aged about 20 Yrs., Occu. Labour,
R/o Jawala Bk., Tah. Anjangaon
Surji, Distt. Amravati.

..Appellant.

..Vs..

1. State of Maharashtra,
through P.S.O. Anjangaon Surji,
Distt. Amravati.
2. Ku. Nilam Madan Ingale,
Jawala (Bu.), Anjangaon Surji,
Tah. Anjangaon Surji,
Distt. Amravati.

..Respondents.

Shri M.P. Kariya, Advocate for the appellant.
Shri T.A. Mirza, A.P.P. for the respondent No.1 / State.

CORAM : Z.A. HAQ, J.
DATE : 23.10.2018.

ORAL JUDGMENT

1. Though the office note shows that report of notice of this appeal on respondent No.2 / complainant is awaited, learned A.P.P. submits that intimation of pendency of this appeal is given to the respondent No.2 / complainant.
2. Heard Shri M.P. Kariya, learned Advocate for the appellant and Shri T.A. Mirza, learned A.P.P. for the respondent No.1 /State.

3. **ADMIT.** Taken up for hearing.

4. The appellant is arrested on 7th April, 2018 in connection with Crime No.79/2018 registered by the respondent No.1 / State for the offence punishable under Section 376(2)(n) of the Indian Penal Code, Section 3(1)(w) (i) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Sections 4 and 5(k) of the Protection of Children from Sexual Offences Act, 2012. The crime is registered on the complaint lodged by respondent No.2, aged about 17 years.

5. The appellant had filed Criminal Bail Application No.303/2018 before the Special Court which is dismissed by the impugned order.

6. The appellant claims that he is a physically challenged person. The facts on record show that even according to the complainant, the incident of sexual intercourse had taken place about 7 to 8 months prior to 28th March, 2018 i.e. prior to lodging of the complaint. The complaint is lodged after detection of pregnancy.

7. The appellant is in jail for more than six and half months. The investigation is complete and charge-sheet is filed in May, 2018.

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

(i) The impugned order is set aside.

(ii) The appellant having been arrested in connection with Crime No.79/2018 registered by the respondent No.1 / State, he shall be released on bail on executing P.R. bond for Rs.20,000/- (Rs. Twenty Thousand) and furnishing one solvent surety in the like amount.

(iii) The appeal is **allowed** in the above terms.

CRIMINAL APPLICATION (APPA) NO.1026/2018 AND CRIMINAL APPLICATION (APPP) NO.1265, 2018

In view of disposal of appeal, the applications praying for dispensing with filing of certified copies of documents and grant of time to file relatives affidavit do not survive and are **disposed** accordingly.

JUDGE

Tambaskar.