

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

CRIMINAL APPLICATION (ABA) NO.918/2017

Dipesh Ramesh Bahirwani ..vs.. The State of Maharashtra through PSO P.S.
Jawaharnagar, Tq. Bhandara, Dist. Bhandara

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

Court's or Judge's orders.

Mr. Mahesh Murgan, Advocate for applicant.
Mr. N. R. Rode, A.P.P. for non applicant-State.

CORAM : V.M. DESHPANDE, J.
DATED : JANUARY 11, 2018

1. Mr. Mahesh Murgan, Advocate for applicant and
Mr. N. R. Rode, A.P.P. for non applicant-State.

2. The applicant is apprehending his arrest in
connection with Crime No.243/2017 registered with Police
Station, Jawaharnagar, Tq. Bhandara, Dist. Bhandara for an
offence punishable under Sections 376 of the Indian Penal
Code and 3 (2) (V) of the Scheduled Castes and Scheduled
Tribes (Prevention of Atrocities) Act and according to the
reply under Sections 4 and 5 of the Protection of Children
from Sexual Offences Act, 2012.

3. The FIR is lodged by the victim herself. From the
reply, it is clear that there was a love relation between the
applicant and the victim and it was continued till the
applicant turned around and did not obey his promise of
marriage.

4. The victim is major at the time of lodging the FIR. The application is opposed on the ground of bar of Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. The reply or the FIR is conspicuously silent that applicant has taken disadvantage of the victim only because she belongs to the weaker caste. Therefore, in my view, prima facie, bar under Section 18 of the Act is not attracted.

5. The investigation papers show that the investigation is almost over.

6. The applicant was released on ad interim bail by this Court vide order dated 21.12.2017. While granting the said relief, the applicant was directed to attend Police Station on 29.12.2017, 03.01.2018 and 04.01.2018 and was directed to be with the investigating officer from 11.00 a.m. to 04.00 p.m. The learned counsel for the applicant submitted that accordingly, the applicant has attended the police station and said fact is also not denied by the learned A.P.P. for the State.

7. Looking to the nature of accusation made and the fact that the investigation is over, the applicant is entitled to be released on bail. Hence, following order is passed.

ORDER

(i) Criminal Application No.918/2017 is allowed.

(ii) In the event of arrest in connection with Crime No.243/2017 registered with Police Station, Jawaharnagar, Tq. Bhandara, Dist. Bhandara for an offence punishable under Sections 376 of the Indian Penal Code and 3 (2) (V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Sections 4 and 5 of the Protection of Children from Sexual Offences Act, 2012, applicant-Dipesh Ramesh Bahirwani, be released on bail on he executing P.R. Bond in the sum of Rs.25,000/- with two solvent sureties in the like amount.

(iii) The applicant shall attend Police Station on 15.01.2018 and shall be with the investigating officer from 11.00 a.m. to 02.00 p.m. Subsequent to that, the applicant shall attend the police station as and when directed by the investigating officer by giving clear cut 48 hours written communication.

(vii) The observations made in this order are prima facie in nature and they are made only for the limited purpose for considering the application for anticipatory bail. The learned trial Court shall not get influenced by the observations made in the order.

The application stands disposed of accordingly.

JUDGE