

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

CRIMINAL APPLICATION (BA) NO.1271/2017

Shivchand Pran Bansod

..VS..

State of Mah., thr. PSO Pusad (Rural), District Yavatmal

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

Court's or Judge's Order

.....
Shri S.A. Chaudhari, Counsel for the applicant.

Shri M.K. Pathan, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : JANUARY 19, 2018.

1. The applicant is arrested in connection with Crime No.228/2017 registered with Police Station Pusad (Rural), District Yavatmal for the offences punishable under Sections 376, 323, and 506 of the Indian Penal Code and Sections 4 and 9(m) of the Prevention of Children from Sexual Offences Act.
2. According to learned counsel Shri S.A. Chaudhari for the applicant, the charge-sheet is already filed and, therefore, further investigation of the applicant is not necessary.
3. The applicant is arrested on the basis of the report lodged by Sau. Sangita Pandit Hanwate, the mother of the victim.
4. Admittedly, the age of the victim is only 7 years. As per the First Information report, the first informant is required to reside separately along with a minor girl and a minor son since her

husband resides separately in other village along with first wife.

5. On the day of the incident i.e. on 26.5.2017, since there was shortage of water in the village, the first informant along with her two kids had been to agricultural field of one Ashok which is at about 1½ kilometers away from the village. After fetching water when they came to the house, it was noticed by the first informant that she kept keys of her house near the well only. Therefore, she asked the victim to take those keys. Accordingly, the victim proceeded again towards the agricultural field. After some time, the victim came by weeping. On making enquiries, the victim disclosed the complainant that Dada has sat on her person. On getting suspicion, the complainant removed her clothes only to notice that the victim's private part was bleeding. At that time, she narrated the incident to others. At the same time, the applicant came there along with stick and assaulted all of a sudden on the complainant and asked the complainant to do whatever.

6. The medical evidence of the victim shows that she was subjected to forceful intercourse.

7. There are witnesses namely Roshan Nawale, Ramkisan, Devidas, and Shankar whose statements show that when they were present, the complainant was narrating the incident. That time, the applicant came there and made assault by means of stick on the complainant.

8. There was no occasion for the applicant to make the

assault on the complainant. Therefore, the said conduct is relevant under Section 8 of the Evidence Act.

9. Looking to seriousness of the offence, in my view, this is not a case wherein the applicant should be released on bail.

10. Hence, the application is rejected.

JUDGE

!! BRW !!