

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

Criminal Application (BA) No. 389 of 2019

Ritik Thakre

Vs.

State of Mah. Through P.S. Gangajhari, Dist. Gondia

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

Court's or Judge's orders

Mr. Kartik Patel, Advocate for applicant
Mr. N.R. Rode, APP for non-applicant.

CORAM : MANISH PITALE, J.

DATED : JULY 22, 2019

The applicant herein, who claims to have been a juvenile at the time of incident has approached this Court as he stood arrested on 17/11/2018, in connection with FIR registered on the same day against him and two other persons for the offences under Sections 341, 342, 354(A) (B), 376(D), 385, 397, 504, 506 R/w 34 of the Indian Penal Code and also Sections 66(E), 67, 67(A) of the Information Technology Act, 2000.

2. The incident in the present case is said to have taken place on 29/08/2018 and the allegation against the applicant and co-accused is that they allegedly dragged the complainant and his friend into the forest and made video recording on their mobile of certain explicit sexual activities that they allegedly

forced the complainant and his friend to do. It is alleged that they made such video viral and when it was received by a friend of the complainant in his mobile on 8th November, 2018, the complainant came to know for the first time about the identity of the applicant and co-accused, because at the time of the incident they had allegedly covered their faces. It is further alleged that a compromise was sought to be initiated so that the video clipping could be deleted, but, thereafter, the complainant approached the police authorities and FIR came to be registered.

3. The learned counsel for the applicant has submitted that firstly, the applicant was juvenile at the time of incident and secondly, there is considerable delay in registration of FIR. It is alleged that now charge-sheet has been filed on 09/01/2019 and that the present application deserves to be granted.

4. A perusal of material on record shows that the allegations against the applicant and co-accused persons are extremely serious and that there is explanation on record for delay in registration of FIR. It is also pointed out by the learned APP that the mobile phone of the female friend of the complainant was snatched away during the said incident and it was ultimately recovered from the father of the applicant herein. Such material and other material on record does, *prima facie*, indicate that the applicant and the

co-accused were connected with the incident in question and, therefore, no case for grant of bail is made out by the applicant.

5. Accordingly, the application is dismissed.

6. The learned APP informs that there are 18 witnesses to be examined by the prosecution. Since, the charge-sheet has been filed in the present case on 09/01/2019, the Trial Court is directed to expedite the proceedings.

JUDGE