

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

CRIMINAL APPLICATION (ABA) NO. 373/2019

Pawan Lakhama Shedmake .vs. State of Maharashtra through PSO P.S.
Aheri, Dist. Gadchiroli.

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

Court's or Judge's orders.

Mr. A. R. Fule, Advocate for applicant.

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

CORAM : V. M. DESHPANDE, J.

DATED : AUGUST 26, 2019

This is an application for anticipatory bail. The applicant is apprehending his arrest in connection with Crime No.87/2019, registered with Police Station, Aheri, Dist. Gadchiroli, for an offence punishable under Section 376 of the Indian Penal Code and Sections 4, 5 (L) and 6 of the Protection of Children From Sexual Offences Act, 2012.

Heard Mr. Fule, learned counsel for applicant and Mr. Rode, learned A.P.P. for non applicant-State. Also, perused the investigation papers.

FIR is lodged by victim herself. It is dated 14.04.2019. As per the FIR, applicant used to contact her from 2017 and he proposed her. However, said proposal was turned down by victim. As per FIR, thereafter, in October-2018, they met in a jungle and against her wish, applicant established sexual relations with her and thereafter said continued. As per FIR, on 28.03.2019, as on a call give by applicant, victim went to the place where they used to

regularly meet and at that time, she was seen in the company of present applicant by one of the close relatives of victim and thereafter FIR was lodged. During the course of investigation, investigating officer has collected birth certificate. Also, Ossification Test of victim was conducted. Radiologist opined that age of the girl is not less than 15 years and not more than 19 years. Though medical report shows that her hymen was ruptured, presently much importance cannot be attached to it since victim herself had stated in her report that she had sexual intercourse with applicant.

Investigating officer is personally present in the Court. On taking instructions from him, learned A.P.P. submits that investigation is almost over.

Looking to the fact that applicant is also aged only 20 years and is a student, in my view, instead of sending this boy in the company of hardened criminals, discretion can be exercised in his favour by imposing stringent conditions.

At this stage, learned counsel for applicant, unconditionally withdraws all the allegations made against investigating officer, which are made in additional affidavit.

In that view of the matter, I pass following order.

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest in connection with Crime No. 87/2019, registered with Police Station, Aheri, Dist. Gadchiroli, for an offence punishable under Section 376 of

the Indian Penal Code and Sections 4, 5 (L) and 6 of the Protection of Children From Sexual Offences Act, 2012, applicant-Pawan Lakhama Shedmake, be released on bail on he executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall attend Police Station on 01.09.2019 and shall be with the investigating officer from 11.00 a.m. to 05.00 p.m. During this period, investigating officer shall complete all investigation pertaining to present applicant.

(iv) The applicant shall attend Police Station as and when his attendance is required by the investigating officer. However, for that the investigating officer shall give clear cut three days written communication to the applicant.

(v) The applicant shall not try to contact the victim in any manner whatsoever and shall not extend any type of threats to her.

The application is disposed of.

JUDGE