

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

Criminal Application (BA) No.661 of 2019
(Ashish Kashinath Lokhande .vs. State of Maharashtra through PSO PS
Mankapur, Nagpur.)
with
Criminal Application (BA) No.584 of 2019
(Shailesh Ishwar Wanjari .vs. State of Maharashtra through PSO PS
Mankapur, Nagpur.)

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

Court's or Judge's orders.

Mr. C.R. Thakur, Advocate for Applicant in BA No.661 of 2019.
Mr. Ashwin Wasnik, Advocate for Applicant in BA No.584 of 2019.
Mr. V.P. Maldhure and Mr. J.Y. Ghurde, APPs for Non-applicant/State.

CORAM : Manish Pitale, J.
DATED : July 24, 2019.

The applicants herein are seeking bail as they were arrested on 05.03.2019 in connection with FIR of the same day, whereby offences under Sections 376(2) (n), 376(2)(i), 376-D and 377 of the Indian Penal Code and Sections 4,5 and 6 of the Protection of Children from Sexual Offences Act, 2012, were registered.

2. The complainant herein is a minor girl who has levelled allegations against the applicants and the co-accused that they had sexual intercourse with her over a period of time between 01.07.2018 and January, 2019. Since the complainant is a minor, the aforesaid offences stood registered against the accused persons including the applicants.

3. The learned counsel for the applicants at the

out set pointed out that one of the co-accused was granted bail by this Court by order dated 03.07.2019. But, a perusal of the said order shows that an additional feature in the case of the said co-accused was that there was some confusion as regards the identity and name of the said accused person because the complainant had referred to him as one Ajay, while he claimed that his name was Umesh @ Varshpal s/o Moreshwar Meshram.

4. It is contended on behalf of the applicants that even if the said feature was not existing insofar as they were concerned, but the statement given by the complainant herself demonstrated that she had voluntarily indulged in the activities of sexual intercourse with the accused persons, including the applicants herein.

5. Although the learned APP appearing for the non-applicant/State has opposed grant of relief in the present case pointing out that the complainant was a minor, considering the fact that co-accused is granted regular bail by this Court on specific conditions and in view of the statement given by the complainant herself, this Court is of the opinion that the present application can also be allowed by imposing certain conditions.

6. Accordingly, the applications are allowed and the applicants are directed to be released on bail on the following conditions:-

(a) The applicants shall furnish PR bond of Rs.25,000/- each and a surety in the like amount.

(b) The applicants shall attend the proceedings before the trial Court on each and every date.

(c) The applicants shall not influence the witnesses.

(d) The applicants shall not enter the area at Nagpur where the complainant resides i.e. Yashodhara Chowk, Pavan Nagar, Nagpur, during the pendency of the trial.

(e) The applicants shall also not enter the area at Star Bus Stand, Sitabuldi, during the pendency of the trial.

7. Needless to say that if the applicants violate any of the conditions noted above, the bail granted to them will be cancelled. It is made clear that observations made in this order are limited to the question of grant of bail to the applicants.

JUDGE

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