

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

CRIMINAL APPLICATION (BA) NO.814/2019

Bhagwan s/o Shyamrao Madavi .vs. State of Maharashtra through
PSO P.S. Pandharkawda, Dist. Yavatmal.

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

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

CORAM : V. M. DESHPANDE, J.
DATED : SEPTEMBER 9, 2019

Applicant is arrested in connection with Crime No.1080/2018 registered with Police Station, Pandharkawda, Dist. Yavatmal for an offence punishable under Sections 376(2) (I), 376(2) (F) of the Indian Penal Code and Section 4 of the Protection of Children From Sexual Offences Act. The investigation is over and charge-sheet is already filed.

Perusal of the charge-sheet would reveal that firstly on 02.11.2018, at Police Station, Wadki a crime was registered on the basis of oral report lodged by the victim herself. The said FIR is already part and parcel of the charge-sheet. As per the said FIR, when the victim was going for Ashram School on the road, two persons came. They put towel on her face. Therefore, she was unable to identify anybody and thereafter these two persons committed rape on her. FIR was lodged against unknown persons. On 19.11.2018, at Police Station, Pandharkawda, the

very same victim lodged a report stating therein that her earlier report was incorrect and in fact on 28.03.2018, when she, present applicant, who is uncle of victim and her mother were staying at Samrat Lodge, after her mother went sleeping, the present applicant has committed rape on her, resulting into pregnancy.

The investigation is over. However, DNA report is yet to be made available on record.

Looking to the fact that the victim is changing her version and investigation is over, in my view, applicant can be released on bail. Hence, I pass the following order.

ORDER

- (i) The application is allowed.
- (ii) Applicant-Bhagwan s/o Shyamrao Madavi be released on bail in connection with Crime No.1080/2018 registered with Police Station, Pandharkawda, Dist. Yavatmal for an offence punishable under Sections 376(2) (I), 376(2) (F) of the Indian Penal Code and Section 4 of the Protection of Children From Sexual Offences Act, on he executing P.R. Bond in the sum of Rs. 25,000/- with one solvent surety in the like amount.
- (iii) Applicant is directed to attend Police Station, Pandharkawda, twice a month i.e. on second and fourth Sunday of every month and shall be with the investigating officer from 02:00 p.m. to 05:00

p.m., during the pendency of the trial.

The application is disposed of.

JUDGE

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