

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

CRIMINAL APPLICATION (BA) NO. 926 OF 2019

Aakash s/o Keshav Salame .Vs. State of Maharashtra,through P.S.O, P.S.
Devlapar, Dist. Nagpur.

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

Court's or Judge's orders.

Mr. A.Z. Gharde, Advocate for applicant.

Mr. N.B. Jawade, A.P.P. for non applicant- State.

CORAM : V. M. DESHPANDE, J.

DATED : OCTOBER 18, 2019

Heard Mr. Gharde, learned counsel for applicant
and Mr. Jawade, learned Additional Public Prosecutor for
the non applicant-State.

Applicant is arrested in connection with Crime
No.212/2019 registered with Police Station, Devlapar, Dist.
Nagpur for an offence punishable under Section 376 (D) of
the Indian Penal Code.

In this case the investigation is over and charge-
sheet is already filed. According to the prosecution case as it
is disclosed in the reply, when the complainant/victim was
returning home on 18.06.2019 in the evening time she was
lifted by the present applicants and she was taken her near
water stream and committed forcible sexual intercourse.

The reply would show that victim was medically
examined. The medical report mentioned that there are no
signs of use of force anywhere.

In that view of the matter, when the investigation is already over and charge-sheet is already filed and the applicants are only 19 and 18 years old, they need not continue their custodial presence. Consequently, I pass following order :

ORDER

- (i) The application is allowed.
- (ii) Applicant no.1 Aakash s/o Keshave Salame and applicant no.2- Shubham s/o Gyanrao Dhurve, be released on bail in connection with Crime No.212/2019 registered with Police Station, Devlapur, Dist. Nagpur for an offence punishable under Section 376 (D) of the Indian Penal Code, on they executing P.R. Bond in the sum of Rs.10,000/- each, with one solvent surety each in the like amount.
- (iii) The applicants are directed to attend Police Station, Devlapur, Dist. Nagpur twice a month i.e. on first Sunday and third Wednesday, every month and shall be with the investigating officer, until culmination of trial.
- (iv) The applicants shall not tamper with the prosecution evidence.

The application is disposed of.

JUDGE