

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

CRIMINAL APPLICATION (BA) NO.956 OF 2019

Vikas s/o Mahadevrao Butte .Vs. State of Maharashtra, PSO, P.S. Saoner,
Dist. Nagpur.

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

Mr. U.Y. Sonkusare, Advocate for applicant.
Mr. N.R. Rode, A.P.P for non applicant-State.

CORAM : V. M. DESHPANDE, J.
DATED : NOVEMBER 04, 2019

Heard Mr. Sonkusare, learned counsel for the applicant and Mr. Rode, learned Additional Public Prosecutor for the State. Also perused the reply and investigation papers those were placed before this Court for its examination.

The applicant is arrested on 18.08.2019 in connection with Crime No.588/2019 registered with Police Station, Saoner, Dist. Nagpur for an offence punishable under Sections 354, 376(2)(J), 507 of the Indian Penal Code and Sections 3, 4, 11 and 12 of the Protection of Children from Sexual Offences Act.

Principally the application is opposed on behalf of the prosecuting agency that the charge-sheet is yet to be filed. However, perusal of the investigation papers those are placed before this Court for its perusal clearly reveal that the

investigation is over and only ministerial act of filing of the charge-sheet is remained to be done.

The first information report is lodged by the victim herself. According to the report one Gayatri, friend of the victim supplied cellphone number of the present applicant to her and thereafter the conversation in between them was started. According to the report, the present applicant made a proposal for marriage with the victim however it was declined by her. The first information report clearly states that on 28.07.2019 Gayatri called the victim at her house where present applicant was present and at that time against her wish the applicant has established sexual relations.

The investigation papers and the reply would show that the incident has occurred on 28.07.2019 and the report was lodged with the police authority on 17.08.2019. The reply would show that the victim has refused to undergo medical test and consequently she is not medically examined by the Doctor.

Looking to the aforesaid fact that there is inordinate delay in lodging the first information report, in my view, the applicant who is languishing in jail since 18.08.2019 need not continue his jail presence. Consequently, I pass following order :

ORDER

- (i) The application is allowed.
- (ii) Applicant- Vikas s/o Mahadevrao Butte be released on bail in connection with Crime No.588/2019 registered with

Police Station, Saoner, Dist. Nagpur for an offence punishable under Sections 354, 376(2)(J), 507 of the Indian Penal Code and Sections 3, 4, 11 and 12 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) The applicant is directed to attend Police Station, Saoner, Dist. Nagpur twice a week i.e. on every Friday and Sunday and shall be with the investigating officer from 03:00 p.m. to 05:00 p.m. till filing of the charge-sheet.

(iv) After filing of the charge-sheet the applicant shall attend Police Station, Saoner, Dist. Nagpur once in a month i.e. on last Sunday of every month and shall be with the investigating officer from 03:00 p.m. to 05:00 p.m. till culmination of the trial.

(v) The applicant shall not tamper with the prosecution evidence.

With this, the application is disposed of.

JUDGE

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