

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

CRIMINAL APPLICATION (ABA) NO. 740 OF 2019

Dhondu s/o Waman Gore .Vs. State of Maharashtra,through P.S.O, P.S.
Ansing, Dist. Washim.

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

Court's or Judge's orders.

Mr. S.D. Chande, Advocate for applicant.
Mr. S.M. Ghodeswar, A.P.P for non applicant- State.
Mr. N.S. Ingale, Advocate for original complainant.

CORAM : V. M. DESHPANDE, J.
DATED : NOVEMBER 25, 2019

CRIMINAL APPLICATION (APPP) NO. 1824 OF 2019

Heard Mr. N.S. Ingale, learned counsel for the original complainant to assist the learned Additional Public Prosecutor.

The application is allowed. Mr. Ingale, learned counsel is permitted to assist the learned Additional Public Prosecutor.

The application is disposed of.

CRIMINAL APPLICATION (ABA) NO. 740 OF 2019

Heard Mr. Chande, learned counsel for applicant, Mr. Ghodeswar, learned Additional Public Prosecutor for the non applicant-State and Mr. Ingale, learned counsel for the original complainant. Also perused the reply filed on behalf of the prosecution and the affidavit of Mr. Rambabu Sarode filed on 18.11.2019.

The applicant is apprehending his arrest in connection with Crime No.200/2019 registered with Police

Station, Ansing, Tah. and Dist. Washim for an offence punishable under Sections 354D and 506 read with Section 34 of the Indian Penal Code and under Section 12 of the Protection of Children from Sexual Offences Act, 2012.

The report is dated 03.10.2019 lodged by victim herself in which she disclosed her age as 17 years 11 months. As per prosecution case, one Avinash proposed the victim however his proposal was turned down by the victim. Therefore, he extended threat to kill her and her father. According to the prosecution, one Ganesh asked Avinash to talk with victim. Both used to call on her on her cell phone. Therefore, mother of the victim called said Avinash and tried to give a word of advice to him. According to prosecution case, on 29.09.2019, accused persons including the present applicant came to her house and asked not to lodge the police complaint. As per prosecution case, due to this, the victim felt humiliated and consumed poisonous substance in order to commit suicide. However, with the grace of god and timely medical treatment, her life is saved.

The gist of the accusation from the prosecution case, as it is disclosed before this Court, is that on 29.09.2019 the present applicant accompanied with Avinash to the house of victim.

On 25.10.2019, this Court (Coram: Rohit B. Deo, J.) granted ad interim protection in favour of the applicant with a condition that he shall not enter territorial limits of Anising until further orders. The learned Additional Public Prosecutor states that from 25.10.2019 the applicant did not enter in the territorial limits of village Anising. During the course of the hearing it is revealed to his Court that victim is

now taking her education at Darwha, district Yavatmal. Looking to the nature of the accusations and the fact that victim is not residing at village Anising, the application can be considered favourably. Consequently, I pass following orders:

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest in connection with Crime No.200/2019 registered with Police Station, Anising, Tah. and Dist. Washim for an offence punishable under Sections 354D and 506 read with Section 34 of the Indian Penal Code and under Section 12 of the Protection of Children from Sexual Offences Act, 2012, applicant - Dhondu s/o Waman Gore be released on bail on he executing PR. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- (iii) Though applicant can now enter in territorial limits of village Anising, he is directed not to pressurize the victim or any of her family members by using any mode.
- (iv) Applicant is directed to attend Police Station, Anising, Dist. Washim twice a week i.e. on every Tuesday and Thursday and shall be with the investigating officer from 11:00 a.m. to 02:00 p.m., till filing of the charge-sheet.

The application is disposed of.

JUDGE