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

CRIMINAL APPLICATION (ABA) NO. 741 OF 2019

Ganesh s/o Gajanan Dhongade .Vs. State of Maharashtra,through P.S.O, P.S. Ansing, Dist. Washim.

Office Notes, Office Memoramda 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. Ingole, Advocate for original complainant.

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

CRIMINAL APPLICATION (APPP) NO. 1825 OF 2019

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

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

The application is disposed of.

CRIMINAL APPLICATION (ABA) NO. 741 OF 2019

Heard Mr. Chande, learned counsel for applicant, Mr. Ghodeswar, learned Additional Public Prosecutor for the non applicant-State and Mr.Ingole, learned counsel for the original complainant. Also perused the reply filed on behalf of the prosecution and the affidavit of Mr. Rambabu Sarode, Police Sub Inspector, Police Station, Ansing, 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 victim is a "Child" within the meaning of Clause (d) of Section 2(1) of the Protection of Children from Sexual Offences Act, 2012. She herself has lodged the report. According to the report, one Avinash not only used to talk with her but also used to give proposal for marriage which was already turned down by the victim. In spite of that, Avinash continued his activities of contacting the child. According to the prosecution case, the present applicant also used to ask said victim girl that she must continue her talk with accused Avinash.

According to the learned counsel for the applicant, looking to the nature of accusations against the applicant, the applicant is innocent person and, therefore, he be granted bail.

Prima facie, the submission of the learned counsel appears to be attractive however, during the course of the submission Mr. Chande, learned counsel for the applicant himself disclosed to this Court that the applicant is working in MSEDCL and he is paying amount to Avinash for helping him in his official duty without there being any permission from MSEDCL. That shows that applicant is not innocent person but he is influencing Avinash in his day to day life. The applicant is fully matured person. He should

understand that he should not encourage or instigate any person to humiliate any child.

According to the prosecution, on the date of the incident the applicant along with Avinash came to the house of the victim and threatened the victim and her family members resulting into victim taking the extreme step of commission of suicide by consuming poisonous substance. However, with the grace of god and timely medical treatment, her life is saved.

In view of the aforesaid fact, I am of the opinion that if the applicant is released on bail, there is every possibility that he will exert his influence on the victim and her family members. Therefore, I am of the opinion that the present application is not the case wherein this Court should exercise its discretion in favour of the applicant. Resultantly, I pass following order:

ORDER

(i) The application is rejected.

(ii) The interim order dated 25.10.2019 passed by this Court (Coram: Rohit B. Deo, J.) stands vacated.

JUDGE

srwagh