

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

CRIMINAL APPLICATION (ABA) NO. 742 OF 2019

Avinash s/o Manik Lambhade .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. Ingole, Advocate for original complainant.

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

CRIMINAL APPLICATION (APPP) NO. 1826 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. 742 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 report is lodged by the victim herself. The present applicant is a fully matured person. According to the first information report, the applicant used to talk with the victim even though she turned down his proposal for marriage with him. The applicant used to contact the victim on cellphone along with his friend whose anticipatory bail is rejected by this Court and used to threaten the victim.

As per reply filed on behalf of the prosecution, in fact the mother of the victim called the present applicant and tried to give a word of advice to him that he should not try to contact with her daughter since she is pursuing her education. In spite of such elderly advice given to him the applicant continued his activities of talking with the victim which ultimately had impact on her mind. Not only that according to the prosecution, on the date of the incident the applicant along with one Ganesh 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.

The applicant who is a fully matured person was expected not to harass the victim girl, who is a "Child" within the meaning of the provisions of the Protection of

Children from Sexual Offences Act. It was further expected from him not to continue his harassment after a word of advice given to him by the mother of the victim. It appears that the girl who is a “Child”, has suffered mental trauma due to the acts on the part of present applicant and therefore, tried to finish her life. In such circumstances, I am of the opinion that if the applicant is released on anticipatory bail there is every possibility that he may try to contact the victim and her family members and try to pressurize the prosecution witnesses. Therefore, present application is not the case wherein this Court should grant any relief in favour of the applicant. Resultantly, I pass the 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