

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

CRIMINAL APPLICATION (BA) NO.1000/2019

amol S/o. Shrikrushna Malode .vs. State of Maharashtra, thro. PSO, P.S.
Akot Fail, Distt. Akola

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

Court's or Judge's orders.

Mr. J. S. Chilotra, Advocate for the applicant.

Mr. P. S. Tembhare, A.P.P. for the non-applicant.

CORAM : V. M. DESHPANDE, J.

DATED : NOVEMBER 20, 2019

Heard Mr. J. S. Chilotra, learned counsel for the applicant and Mr. P. S. Tembhare, learned A.P.P. for the State.

2] The applicant is arrested on 12.07.2019 in connection with Crime No. 280 of 2019 registered with Police Station Akot Fail, Distt. Akola for the offence punishable under Sections 363, 366, 376(1), 376(2)(n) and 506 of the Indian Penal Code and Section 4 of the Protection of Children From Sexual Offence Act, 2012.

3] Investigation is over. Charge-sheet is already filed.

4] Initially the crime was registered for the offence punishable under Section 363 of the Indian Penal Code in view of the oral report lodged by Mr Maroti Ramrao Shende,

father of the victim on 19.06.2019. The report would show that the victim aged about 17 years left the house without informing anybody, therefore, the offence was registered against unknown person. During the investigation, the girl was traced out. Her statement is recorded. Her statement would show that she was in company with the applicant from the date of her dis-appearance till 12.07.2019. During the course of the trial, the prosecution will be required to prove the age of the victim. Looking to the fact that the charge-sheet is already filed in my view further custodial presence is not required after considering the statement of the victim. That leads me to pass following order:

ORDER

- (i) Application is allowed.
- (ii) Applicant-Amol Shrikrushna Malode, be released on bail on he executing P.R. Bond of Rs.10,000/- with one solvent surety in the like amount in connection with Crime No. 280 of 2019 for the offences punishable under Section 363, 366, 376(2)(n), 506 read with Section 34 of the Indian Penal Code.
- (iii) The applicant shall attend Police Station Akot Fail, Distt. Akola once in a fortnight i.e. on 2nd and 4th Sunday and shall attend all Court dates scrupulously.

(iv) The observation made by this Court in this order are purely prima facie in nature. The learned Judge of the Court below before whom the matter will be conducted shall not get himself influenced by the same.

Application is accordingly **disposed of**.

JUDGE

Namrata