

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

CRIMINAL APPLICATION (BA) NO. 1042 OF 2019

Vijay s/o Ramdas More .Vs. State of Maharashtra,through P.S.O, P.S. Shivaji
Nagar, Khamgaon, Dist. Buldhana.

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

Mr. N.R. Tekade, Advocate for applicant.
Mr. M.K. Pathan, A.P.P. for non applicant- State.

CORAM : V. M. DESHPANDE, J.
DATED : NOVEMBER 29, 2019

Heard Mr. N.R. Tekade, learned counsel for applicant and Mr. M. K. Pathan, learned Additional Public Prosecutor for the non applicant-State. Also perused the investigation papers.

The applicant is arrested on 28.05.2019 in connection with Crime No.130/2019 registered with Police Station, Shivaji Nagar, Khamgaon, Dist. Buldhana for an offence punishable under Section 363 of the Indian Penal Code.

The investigation is over and charge-sheet is already filed.

Initially an offence was registered under Section 363 of the Indian Penal Code in view of the report lodged by Usha Kaur, the mother of the victim. Her report would show that the victim whose age is 16 years, was taking education in 10th standard at Saraswati Vidya Mandir at Khamgaon.

On 09.05.2019, as per report, the complainant asked the victim for bringing some household articles. Therefore, the victim left the place on her two-wheeler. The victim did not return to her house till late night. Therefore, on the next day victim's mother lodged report against unknown person.

During the investigation whereabouts of the victim were traced. She was found in Pune and therefore, from Pune she was brought. After recording her statement, offence punishable under Section 376 of the Indian Penal Code and penal provisions of Protection of Children from Sexual Offences are applied. Her statement would show that she was knowing the applicant since last 2-3 months. Her statement would show that after leaving her house on motorcycle, she met with the applicant, who was in company of her two brothers. His two brothers took her two wheeler and thereafter they went to an unknown place where the brother of the applicants brought tickets and by Vidharba Express they went to Bhusawal. From there by another train they went to Pune. There they booked a room. They were there for three days, however, there were no sexual relations between them during that period. Thereafter they went to Mumbai and stayed with the aunt of the applicant. There also no sexual relation took place. According to her statement, the maternal aunt gave Rs.10,000/- to the applicant. Thereafter again came to Pune and this time she had sexual relations with applicant.

The investigation is over. The prosecution will be under an obligation to prove the age of the victim strictly

in accordance with law. Even according to the charge-sheet age of the applicant is 20 years and he is not having criminal antecedent. In that view of the matter, the applicant need not to continue his jail presence in the company with the hardened criminals. Consequently, I pass following order:

ORDER

- (i) The application is allowed.
- (ii) Applicant- Vijay s/o Ramdas More, be released on bail, in connection with Crime No.130/2019 registered with Police Station, Shivaji Nagar, Khamgaon, Dist. Buldhana for an offence punishable under Sections 376(3), 363, 366A, 376(2)(n) of the Indian Penal Code and under Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, on he executing P.R. Bond in the sum of Rs.10,000/- with one solvent surety of the like amount.
- (iii) Applicant is directed to attend Police Station, Shivaji Nagar, Khamgaon, Dist. Buldhana once in a month i.e. on every third Sunday, till culmination of the trial.
- (vi) With this, the application is allowed and disposed of.

JUDGE

srwagh