

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

CRIMINAL APPLICATION (BA) NO.29/2020

Vaibhav Madhukar Thul .vs. State of Maharashtra through PSO P.S. Lohara,
Yavatmal, Tq. Dist. Yavatmal.

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

Court's or Judge's orders.

Mr. M. N. Ali, Advocate for applicant.

Mr. M. J. Khan, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.

DATED : FEBRUARY 4, 2020

Heard Mr. Ali, learned counsel for applicant and
Mr. Khan, learned A.P.P. for non applicant-State.

Applicant was arrested on 04.11.2018 in
connection with Crime No.10/2018 registered with Police
Station Lohara, Dist. Yavatmal for an offence punishable
under Sections 363, 366-A, 376(2) (n) of the Indian Penal
Code and Section 4 of the Protection of Children From
Sexual Offences Act. The investigation is over and charge-
sheet is already filed

First Information Report was lodged by Chhaya,
who is mother of the victim. As per her report, the date of
birth of the victim is 31.03.2000 and the date of offence is
14.01.2018. Thus, the victim was on the verge of attaining
majority. The FIR would show that on 14.01.2018, first
informant and victim were returning from their work. That
time, victim alone went further to her house. First

informant, after completing her remaining work, when reached to the house, she noticed that the door was closed. At that time, victim was not found in the house. Therefore, she made inquiry with one Smt. Shinde. She told that the victim alone, by taking two bags, went towards Radhakrushna Nagari. The first informant and her husband searched for victim at various places. However, she could not be traced. On the next day, i.e. on 15.11.2018, Smt. Kothade, resident of Radhakrushna Nagari told her that she found that the victim was going alone and she disclosed that after waiting for two months, she will be marrying with the present applicant. It is also stated in the report that previously also, victim eloped with applicant and for that report was also lodged.

During the course of investigation, victim was traced out. Her statement was recorded which would show that applicant had committed sexual intercourse with her.

During the course of hearing, it was made known to the Court by learned A.P.P. for the State that in respect of the earlier incident, the applicant stood acquitted by the competent Court.

The investigation is over. The charge-sheet is also filed. Looking to this aspect of the matter coupled with the fact that victim has attained age of understanding and the applicant is not having any past criminal record in which he stood convicted, I pass the following order.

ORDER

- (i) The application is allowed.
- (ii) Applicant-Vaibhav Madhukar Thul be released on bail in connection with Crime No.10/2018 registered with Police Station Lohara, Dist. Yavatmal for an offence punishable under Sections 363, 366-A, 376(2) (n) of the Indian Penal Code and Section 4 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 in the like amount.
- (iii) The applicant shall attend Police Station Lohara, Dist. Yavatmal, once in a month and shall be with the investigating officer form 10.00 a.m. to 05.00 p.m., till culmination of the trial.

The application is disposed of.

JUDGE