

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

CRIMINAL APPLICATION (BA) NO. 247/2020

Ravindra s/o Shivilal Sonwane .vs. The State of Maharashtra, through PSO
P.S. Dattapur, Tq. Dist. Amravati

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

Court's or Judge's orders.

Mr. Anil Mardikar, Senior Advocate assisted by Mr. D. I.
Jain, Advocate for applicant.
Mr. N. R. Rode, A.P.P. for non applicant-State.

CORAM : V.M. DESHPANDE, J.

DATED : MAY 19, 2020

Hearing was conducted through video conferencing and the learned counsel agreed that the audio and visual quality was proper.

This is an application under Section 439 of the Code of Criminal Procedure. At the outset, Mr. Mardikar, learned Senior Counsel for applicant submits that the learned Judge of the trial Court has already released the applicant on temporary bail in view of the circular issued by the High Power Committee. Therefore, presently, the applicant is not in jail.

The applicant is a police constable and he was arrested in connection with Crime No. 70/2020 registered with Police Station, Dattapur, Dist. Amravati for an offence punishable under Section 354-D of the Indian Penal Code and Section 12 of the Protection of Children From Sexual Offences Act.

The learned counsel for the applicant submitted that the FIR is dated 03.03.2020 in respect of the events

those occurred between 23.07.2019 to 06.01.2020. Therefore, there is a delay in lodging the FIR.

Though it will be open for the prosecution to explain the delay at an appropriate point of time however it is to be considered favourably in view of the allegations made in the FIR.

The FIR is lodged by Jyoti Kombe, mother of the victim, who was done to death by one Sagar Titurmare on 06.01.2020 and for that a separate offence is registered against the said Sagar under the relevant provisions of the IPC and the present applicant is not the investigating officer of the said crime.

The allegations against the present applicant is that on 23.07.2019, this Sagar Titurmare, enticing the victim who was minor at the relevant time kidnapped her. Therefore the offence was registered on the basis of the report lodged by Jyoti, mother of the victim. The offence was registered by the present applicant. However, the said offence was investigated by another investigating officer and in that the investigating officer has filed C-Summary against Sagar. Whether the said C-summary is accepted or not is not clear. However, the fact remains that the C-Summary was filed.

According to the FIR, from 23.07.2019 till the victim was done to death by Sagar, the applicant used to stalk the victim. Those are allegations against the applicant.

In view of the aforesaid discussion and especially when the applicant is already released on temporary bail vide circular issued by the State of Maharashtra, I pass the following order.

ORDER

- (i) The application is allowed.
- (ii) Applicant-Ravindra s/o Shivilal Sonwane be released on bail in connection with Crime No.70/2020 registered with Police Station, Dattapur, Dist. Amravati for an offence punishable under Section 354-D of the Indian Penal Code and Section 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 in the like amount.
- (iii) The P.R. Bond shall be executed before the Court of learned Additional Sessions Judge, Amravati within a period of 15 days from today.
- (iv) The applicant shall attend Police Station, Dattapur, Tq. Dist. Amravati as and when called by the investigating officer. However, for that the investigating officer shall give a clear cut 48 hours notice to the applicant.

The order be communicated to the counsel appearing for the parties either on the e-mail address or on WhatsApp or by such other mode, as is permissible in law.

JUDGE

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