

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

CRIMINAL APPLICATION [BA] NO. 281/2020.

Ram Dadarao Dhanorkar and others.

-VERSUS-

The State of Maharashtra

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri S.V. Sirpurkar, Advocate for Applicants.
Shri Tembhare, A.P.P. for the Non-applicant- State.

CORAM : VINAY JOSHI, J.

DATE : JULY 23, 2020.

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. Arrest of applicants / accused in Crime No.899/2019 by Frezarpura Police Station led to filing of this application. The arrest was in connection with the offences punishable under Sections 377, 506 read with Section 34 of the Indian Penal Code and Sections 4 and 6 of Protection of Children from Sexual Offences Act.

3. The allegation pertains to unnatural offence allegedly committed with a minor victim boy

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aged 13 years. It is alleged that in the month of April, 2019 on and often applicants, who are acquainted with the minor, took him to secluded place and committed unnatural offence with the victim and one other boy [name not referred].

4. Applicants who are youngsters in between the age of 20 to 24 years, have claimed bail on usual grounds. It is pointed out that there is veracity in between two different statements of victim recorded by the police. Moreover, it is argued that though the victim and other witness have stated that the accused had the same act with another boy, however, his statement is not recorded. Applicants have also criticized on the point of four months long delay in lodgment of FIR.

5. The victim, aged 13 years has stated that in the month of April, 2019, applicants who were of his acquaintance, takes him along with another boy near one lake and at said place they used to commit carnal intercourse against the order of nature.

6. Perusal of the statement of victim dated 23.08.2019, it appears that though initially the victim stated that the accused repeated the acts, however, at

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the end of the statement, he said that only once such act was committed.

7. True, there is very much reference of one another boy, however, his statement is not recorded during the course of investigation. The alleged incident had occurred prior to 4 months from the lodgment of the FIR. Learned A.P.P. in resistance has submitted that the victim being minor, he was under threat of applicants, and therefore, there was delay in lodging FIR. Infact the impact of such 4 months delay shall be considered at the time of trial, but, undeniably there is gap of 4 months in lodgment of FIR.

8. The investigation is already completed and charge sheet is also filed long back. Applicants who are young persons are in jail for near about one year. To my mind by taking care of the aspect of tampering of evidence, they can be released on bail. The trial will also take its own time for disposal. At present the process of recording of evidence in the Courts is held up due to current Pandemic Covid-19. In view of above, following order is passed.

- (i) Applicants/accused – (1) Ram Dadarao Dhanorkar, (2) Ravi Babanrao Kamble, (3)

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Vaibhav Ramdas Meshram and (4) Akash @ Ukandaya Kishor Thakare be released on bail on their furnishing P.R. Bond of Rs.25,000/- with one or two sureties in the like amount each.

- (ii) Applicants/accused shall not enter the municipal limits of Amravati till the conclusion of the trial, except for the purpose of attending the Court.
- (iii) Applicants/accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.
- (iv) Applicants/accused shall provide their residential address and cell number to concerned Investigating Officer and shall not change their place of residence without prior intimation to the concerned Investigating Officer.

9. This 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

Rgd.