

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

LD-VC- CRIMINAL APPLICATION (BA) 152 OF 2020

Ashok s/o Gangluji Ghumde

V/s

State of Maharashtra, thr. Police Station Kondhali, District Nagpur.

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

Court's or Judge's orders.

Shri P.V. Navlani, counsel for the applicant.
Shri Jawade, Addl. P.P. for the respondent/State.

CORAM: ROHIT B. DEO, J

DATE: 02/06/2020.

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

2. The applicant is seeking regular bail in Crime 502/2019 registered with Police Station Kondhali, Nagpur Tah. and District Nagpur for the offences punishable under Sections 354(a) (1), 376 (2) (f) of the Indian Penal Code read with Section 4(n), 6, 8, 9 (n), 10 of the Protection of Children From Sexual Offences Act.

3. The applicant approached this Court earlier in Criminal Application (BA) 77/2020. This Court permitted the applicant to withdraw the application with liberty to apply for bail after the receipt of Chemical Analyzer's Report. It is not in dispute that the report of the Chemical

Analyzer is received.

4. In all fairness, the learned Additional Public Prosecutor Shri Jawade does not dispute the submission of the learned counsel for the applicant that the report of the Chemical Analyzer is not incriminatory.

5. The prosecutrix is a close relative of the applicant. The alleged incident occurred on 05.09.2019. According to the prosecutrix, at 3.30 p.m. on 05.09.2019 the applicant visited her residents when she was alone. The prosecutrix alleges that the applicant questioned the prosecutrix about her relationship with a boy, which insinuation the prosecution denied. The allegation is that the applicant undressed the prosecutrix and subjected her to sexual intercourse on the pretext that he would help the prosecutrix to get rid of certain psychological conditions.

6. In view of the fact that the charge-sheet is filed on record and the report of the Chemical Analyzer is not incriminatory, I am satisfied that the applicant has made out a case for bail.

7. The applicant be released on furnishing PR Bond of ₹ 50,000/- with like surety.

8. Considering the prevailing situation, the applicant is granted four weeks time to furnishing surety.

9. The application is disposed of.

10. The order be communicated to the Counsel appearing for the parties, either on the email address or on WhatsApp or by such other mode, as is permissible in law.

JUDGE

Rajesh
Nandurkar

Digitally signed by
Rajesh Nandurkar
Date: 2020.06.02
14:11:00 +0530

RKN