

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

CRIMINAL APPLICATION (BA) NO.337 OF 2020

(Pratik s/o. Vasantrao Wairagade .vs. State)

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

Court's or Judge's orders

CORAM : M. G. GIRATKAR, J.

DATE : 13.8.2020.

1. Heard Mr.Y.B.Mandpe, learned Counsel for the applicant and Mrs.H.N.Prabhu, learned Additional Public Prosecutor for non-applicant/State. The hearing was conducted through Video Conferencing and the learned Counsel for the respective parties agreed that the audio and visual quality was proper.

2. Perused the report. As per the report of victim girl is aged about 20 years. She was taking education in College. It appears from the allegations that she was in love with the applicant. For the first time, there was sexual intercourse between the victim and the applicant on 20.11.2019. Thereafter, again there was sexual intercourse between them for 2 to 3 times. Lastly, the victim lodged report on 13.5.2020.

3. As per submission of Mr.Y.B.Mandpe, learned Counsel for the applicant, investigation is complete. Charge sheet is filed. Applicant is in

service with the Western Coal Fields Ltd. As per his submission, on the day of incident, the applicant was on his duty.

4. Heard Mrs. H.N.Prabhu, learned Additional Public Prosecution for non-applicant/State. As per her submission, the applicant is constantly harassing the victim. He has taken her nude photographs and therefore, there is every possibility of his pressuring the victim. Therefore, the application is prayed to be rejected.

5. From perusal of contents of the First Information Report, it is clear that the victim was aged about 20 years at the time of incident. As per her report, she was in love with the applicant. She herself left the college and went towards the applicant. As per her report, the applicant did sexual intercourse with her in a car. He beat her. But the first incident was not disclosed by her to her parents nor she lodged any report. After the first incident, there was another incident of sexual intercourse by the applicant, but this incident was also not disclosed by the victim. Lastly, she lodged report because of harassment of the applicant. The plea of alibi taken by the applicant is to be proved before the trial Court and that ground cannot be taken at the time of bail.

6. Looking to the allegations in the report, the victim was major ,aged 20 years. She was in love with the applicant. She herself went to the applicant. The first incident was not disclosed. After the first incident, there was another incident of sexual intercourse, but the same was not disclosed by her. Looking to the allegations in the report, the application is allowed.

The applicant be released on bail on execution of P.R. bond of **Rs.25,000/-** with one solvent surety in the like amount.

He shall not tamper with the evidence of prosecution witnesses.

He shall attend the trial Court on each and every date.

The application is disposed of.

JUDGE

ssjaiswal

Suraj
Jaiswal

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signed by
Suraj Jaiswal
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