

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

**CRI APPLICATION (BA) NO. 368 OF 2020**

(Akash s/o Kishor Dudhe vs. State of Maharashtra thr. PSO, PS, Koradi, Dist. Nagpur)

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

Court's or Judge's orders.

Shri Bhushan Dafle, Advocate for the applicant.  
Shri Nikhil Joshi, APP for the non-applicant – State.

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**CORAM : PUSHPA V. GANEDIWALA, J.**  
**AUGUST 17, 2020.**

Heard Shri Dafle, learned counsel for the applicant and Shri Joshi, learned APP for the non-applicant – State, through video conferencing.

The applicant is said to be arrested in Crime No. 39 of 2020 for the offence punishable under Sections 363 and 377 of the Indian Penal Code and Sections 4, 6, 8, 10 & 12 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act), registered at Koradi Police Station, Koradi, District – Nagpur.

The allegations against the present applicant are that he kidnapped a small boy aged about seven years, who had been to a shop for purchasing toys and committed carnal sexual intercourse with him. When the boy was crying during the incident, some

boys saw it and they brought the boy and the applicant – accused to the police station. Thereafter, First Information Report came to be lodged and the applicant came to be arrested.

The learned counsel for the applicant submits that the applicant is innocent and there is no iota of evidence to connect the applicant with the alleged crime. It is further submitted that there are contradictory statements of the prosecution witnesses and the medical report does not show injury or any signs of harassment on the victim. The learned counsel, therefore, prayed to release the applicant.

I have perused the application, affidavit-in-reply and the charge sheet.

At the outset, as per submissions made on behalf of the prosecution, the little boy identified the applicant in the Test Identification Parade (T.I.P). There are eye witnesses to the incident. The applicant along with the victim were brought to the police station by the eye witnesses. The CCTV footage collected from the spot during the investigation revealed that the applicant took away the victim from the spot on his two wheeler. The statement of the child also supports this fact.

The material in the charge sheet reflects prima facie involvement of the present applicant in the aforesaid offence, which is serious in nature.

Considering the nature of offence and the accusation, the applicant does not deserve bail. Hence, the application needs to be rejected and the same is accordingly rejected and disposed of.

**JUDGE**

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