

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
L.D.V.C. CRIMINAL APPLICATION (BA) NO. 338 OF 2020

Kautuk @ Golu s/o Dilip Meshram

..vs..

State of Maharashtra thr. P.S.O.

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

Court's or Judge's orders

Shri S.M. Lodha, Advocate for applicant.
Shri N.S. Rao, A.P.P. for State

CORAM : VINAY JOSHI, J.
DATED : 23/07/2020

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

2. The applicant-accused is arrested by Wani Police in Crime No. 793 of 2019 relating to the offences punishable under Section 363, 366-A, 376-D, 376(2)(l), 376(2)(n), 377, 506 of the Indian Penal Code 1860 and Sections 4, 6, 12, 3(1)(w)(ii) and 3(2)(v) of the Protection of Children from Sexual Offences Act, 2012. Learned Counsel for the applicant would submit that the long incident involving so many persons, itself is a doubtful version. The applicant is no way concerned but has been falsely implicated. There is delay in lodgement of F.I.R. Lastly, he would submit that the medical report nowhere supports the allegations of unnatural sex against the applicant-accused.

3. Learned A.P.P. resisted the application by submitting that minor victim has narrated the entire incident in detailed. There was gap of 15 days from the occurrence till medical examination which would be the

reason for disappearance of all injuries. Considering the nature of offence, the bail is prayed to be rejected. The victim aged 15 years old has lodged report with concerned Police on 21.07.2019 relating to the incident occurred in between 30.06.2019 to 07.07.2019. It is her case that while she was sitting at Bus Stand two co-accused made her to sit on the Motor Cycle, took her at lonely place and had sexual relation with her.

4. Then the victim stated that after two days she received a phone call from applicant-accused and as per his call she met him where the applicant-accused had unnatural sex with her. Thereafter she stated that on the same day one another co-accused forcibly took her to his room and sexually abused.

5. *Prima facie* it reveals that the victim remained at public places on several occasions and had opportunity to expose the things. Some unconnected instances regarding repeated sexual abuse by different persons have been stated. The victim specifically stated that when applicant had unnatural sex, she started bleeding. My attention is invited to the medical report which is totally silent on the point of marks of violence. Though the last instance was dated 02.07.2019 again for next 15 days, no complaint was lodged.

6. Having regard to all these facts and particularly that charge-sheet is already filed, the applicant-accused can be released on bail by putting certain conditions, therefore the following order is passed :

- (a) The Criminal Bail Application is allowed.
- (b) The applicant-accused Kautuk @ Golu s/o Dilip Meshram is released on bail on his furnishing P.R. bond of Rs.25,000/- with one or two sureties in the like amount.
- (c) The applicant-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.
- (d) The applicant-accused shall provide his residential address and cell number to concern Investigating Officer and shall not change his place of residence without prior intimation to the concerned Investigating Officer.
7. This order be communicated to the Counsel appearing for the parties, either on the email address or on WhastApp or by such other mode, as is permissible in law.

Trupti

JUDGE

**Rakesh
Dhuriya**

Digitally signed
by Rakesh
Dhuriya
Date:
2020.07.24
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