

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

LD-VC-CRIMINAL APPLICATION (BA) NO. 798 OF 2020

(Sudip s/o Sushant Bepari, Gadchiroli Vs. State of Maharashtra)

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

Court's or Judge's orders.

Shri A. Gargey, Advocate for the applicant.
Mrs. M.A. Barabde, A.P.P. for the non-applicant.

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

Heard Shri Gargey, learned counsel for the applicant and Mrs. Barabde, learned A.P.P. for the non-applicant through Video Conferencing.

2. The applicant is said to be arrested on 28/08/2019 in connection with Crime No. 37/2019 dated 28/08/2019 registered at Police Station, Mulchera, District Gadchiroli for the offences punishable under Sections 376(2)(n), 363, 366(a), 109, 323 and 506 of the Indian Penal Code, Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 67(b) of the Information Technology Act.

3. The earlier bail application of the present applicant was dismissed as withdrawn by this Court vide order dated 07/02/2020 passed in Criminal Application (BA) No.55/2020.

4. The allegation against the present applicant is that, on the pretext of marriage, he had

committed sexual intercourse with a minor girl, aged around 17 years.

5. The learned counsel for the applicant submits that at the relevant time, DVD of the marriage was not available and therefore, it could not be submitted.

6. Considering the age of the present applicant i.e. about 21 years and the age of the prosecutrix, who is on the verge of attaining majority, so also considering the applicant's defence that he has already performed marriage with the prosecutrix and he has also produced DVD of the same coupled with the fact that the investigation is completed and the chargesheet is also filed so also looking to the fact that the applicant is in jail from about one year, this Court is of the opinion that he can be released on bail with certain conditions. Hence, the following order :-

ORDER

- i) The Criminal Application is allowed.
- ii) The applicant be released on bail on his furnishing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- iii) The applicant shall not in any manner tamper with the evidences.

7. The Criminal Application is disposed of accordingly.

8. This order be communicated to the counsel appearing for the parties, either on the email address or on Whats app or by such other mode, as is permissible in law.

JUDGE

Sumit