

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

CRIMINAL APPLICATION (BA) NO. 480 OF 2020

(Krishna s/o Tarak Mandal vs. State of Maharashtra thr. PSO, PS Mulchera, Gadchiroli,
District – Gadchiroli)

AND

CRIMINAL APPLICATION (BA) NO. 852 OF 2020

(Rakesh s/o Narayan Pal vs. State of Maharashtra thr. PSO, PS Mulchera, Gadchiroli,
District - Gadchiroli)

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

Court's or Judge's orders.

Shri R. Vyas and Shri P.N. Dahagaonkar, Advocates for
the applicant.

Shri H.D. Dubey, APP for the non-applicant – State.

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CORAM : PUSHPA V. GANEDIWALA, J.
DECEMBER 10, 2020.

Heard Shri Dahagaonkar, learned
counsel for the applicant and Shri Dubey, learned APP
for the non-applicant – State.

2. The applicants are seeking bail in Crime No. 27 of 2020 for the offence punishable under Sections 376(2)(n) of the Indian Penal Code and under Sections 4, 6 and 8 of the Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as the POCSO Act), registered at Mulchera Police Station, District – Gadchiroli.

3. The prosecution story is that there was a love affair between the prosecutrix and the applicant (in BA No. 480 of 2020) and the applicant established physical relations on the pretext of marriage with her, however, thereafter he refused to marry her. After this incident, the prosecutrix developed intimacy with the applicant (in BA No. 852 of 2020). This applicant also developed physical relations with her and promised to marry but thereafter refused to marry her. As both the applicants refused to marry the prosecutrix, she lodged a report. It is stated that the prosecutrix also conceived and delivered a child.

4. DNA report is awaited. The prosecution was given time to file DNA Report and the said report is also expedited, however, the said report is not produced.

5. DNA report, at this stage, may not be of much assistance. The case is of consensual physical relations and when both the applicants refused to marry her, she lodged report. The age of the girl is more than 17 years i.e. she is on the verge of attaining majority. Both the applicants are also young boys of 26 years. The investigation is completed and the charge sheet is also filed. On stringent

conditions, the applicants in both the applications can be released on bail.

6. In the circumstances, Criminal Applications are allowed on the following conditions :

(i) The applicants – Krishna s/o Tarak Mandal and Rakesh s/o Narayan Pal, shall be released on bail on executing Personal Bond of Rs.25,000/- (Rs. Twenty five thousand only) each with one surety each in the like amount.

(ii) The applicants shall not tamper with the evidence.

(iii) The applicant shall not pressurize or issue threats to the prosecutrix.

(iv) The applicant - Krishna s/o Tarak Mandal (in BA No. 480 of 2020) shall attend the Police Station once in a month on every first Thursday of the month between 11.00 AM to 1.00 PM and the applicant - Rakesh s/o Narayan Pal (in BA No. 852 of 2020) shall attend the Police Station once in a month on every first Monday of the month between 11.00 AM to 1.00 PM.

7. Needless to mention that the observations made in this order are only for deciding the present applications for bail, the trial Court shall not get influenced by the same and it shall be free to decide the matter on its own merits.

JUDGE

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