

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

LD-VC-CRI APPLICATION (BA) NO. 1011 OF 2020

(Suraj s/o Madhukarrao Rane vs. State of Maharashtra thr. PSO, PS Frezarpura, Amravati
Taluka & District – Amravati Wardha & Anr.)

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

Court's or Judge's orders.

Shri A.S. Ambatkar, Advocate for the applicant.
Mrs. M.A. Barabde, APP for non-applicant No. 1 –
State.

.....

CORAM : PUSHPA V. GANEDIWALA, J.
AUGUST 20, 2020.

Heard Shri Ambatkar, learned counsel for the applicant and Mrs. Barabde, learned APP for the non-applicant – State, through video conferencing.

The applicant is said to be arrested on 12.03.2020 in Crime No. 178 of 2020, for the offence punishable under Section 363, 376(3) of the Indian Penal Code, read with Sections 4 & 6 of Protection of Children from Sexual Offences Act, 2012 and Section 3(1)(w)(i)(ii), 3(2)(va) of the Scheduled Castes and Scheduled Tribe (Prevention of Atrocities) Act, 1989, registered at Police Station, Frezarpura, Amravati, District – Amravati.

It is the prosecution case that the applicant enticed the daughter of the informant and took her

with him and committed forcible sexual intercourse. As the victim belongs to Scheduled Tribe caste, Section 3 of the Scheduled Castes and Scheduled Tribe (Prevention of Atrocities) Act, 1989, came to be added in the crime.

I have perused the application, affidavit in reply and charge sheet with the assistance of the learned counsel for both sides.

Here, the case appears to be of love affairs, elopement and sexual intercourse. The age of the applicant is 21 years. He is in jail since about six months. The investigation is completed and charge sheet is also filed.

Considering the nature of allegations and the age of the applicant, coupled with the fact that the investigation is completed, no purpose would be served in keeping the applicant in jail during trial. Hence, I am inclined to allow the application and the same is allowed by following order :

Criminal Application is allowed. The applicant – Suraj s/o Madhukarrao Rane, be released on bail on executing Personal bond of Rs. 15,000/- (Rs. Fifteen thousand only) with one surety in the like amount.

The applicant shall not enter the vicinity of the area where the witnesses reside. He shall supply the

mobile number and residential address where he shall reside while on bail, to the concerned police station.

The applicant shall not pressurize or issue threats to the evidence.

The applicant shall not tamper with the witnesses of prosecution.

The applicant to attend concerned police station once in a month i.e. on every first Thursday of the month between 12.00 Noon and 2.00 P.M.

Criminal Application is disposed of accordingly.

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

JUDGE

*GS.