

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Criminal Application (BA) No. _____ of 2020 (LD-VC No. 927 of 2020)

*[Manish s/o Kishna Sonwane Vs. State of Maharashtra through P.S.O., P.S. Aroli, Tah. Ramtek,
Distt. Nagpur]*

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S. G. Karmarkar, Advocate for the applicant
Smt. M. A. Barabde, APP for the State/non-applicant

CORAM : M. G. GIRATKAR, J.

DATE : 13/08/2020

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

2. Heard learned Advocate Shri Karmarkar for the applicant. As per the submission of learned Advocate Shri Karmarkar, victim has given two dates of birth. As per Aadhar card, her date of birth is 14-11-2000 and birth certificate collected during investigation shows her date of birth as 4-11-2002. The victim was on the verge of majority. The victim was in love with the applicant and she herself went with the applicant. Investigation is complete and charge-sheet is filed. Learned Advocate prayed for grant of bail.

3. The application is strongly opposed by Mrs. Barabde, learned Additional Public Prosecutor. She has submitted that victim is a minor girl. Offences punishable under the Prevention of Children from Sexual

Offences Act are registered against the applicant and there is every possibility of pressurizing the witnesses. The application is liable to be rejected.

4. Perused the say filed on record. As per the case of prosecution, victim is minor. The applicant taken the victim and did sexual intercourse with her. There is no whisper in the report that sexual intercourse was without her consent. The victim is more than 17 years and 7 months at the time of incident as per the date of birth given in the birth certificate and as per the Aadhar card, she is major. It appears that the victim was in love with the applicant and she herself went with the applicant. Investigation is complete and charge-sheet is filed. Looking to the allegations in the report, the application is allowed.

5. The applicant be released on bail on executing PR Bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one solvent surety of like amount on following conditions.

(a) The applicant shall not tamper the evidence of prosecution witnesses nor threaten them.

(b) The applicant shall attend the trial Court on each and every date.

6. The application is disposed of.

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

JUDGE

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