

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

L.D.V.C. CRIMINAL APPLICATION (BA) NO. 74 OF 2020

Nitesh s/o Kashinath Ade

..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 Mahesh Rai, Advocate for applicant.
Shri B.M. Lonare, A.P.P. for State

CORAM : VINAY JOSHI, J.
DATED : 20/07/2020

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

2. Heard.

3. The applicant-accused is arrested by the Police of Gadge Nagar Police Station, Amravati, District Amravati in connection with the Crime No. 6 of 2020 relating to the offence punishable under Sections 363, 376(2)(n), 370 and 417 of the Indian Penal Code, 1860.

4. By this application, applicant-accused claiming bail on usual grounds. In addition, it is submitted that the applicant-accused has already faced custodial interrogation and now, investigation is complete and charge-sheet is ready. It is argued that, the alleged incident has occurred out of love-affair as victim was 17 years of age.

5. Learned A.P.P. resisted bail by submitting that

though the victim was 17 years of age, however, she was minor, and therefore, her consent assumes no significance. Moreover, it is pointed out that as per statement of victim, there was sexual intercourse by putting her in pressure and victim also became pregnant.

6. It reveals from the police papers that the victim college going girl aged 17 years, has left her house on 01.01.2020 at her own. The victims statement discloses that she was having well acquaintance with the accused with whom she went by sitting on Motor-cycle. It is stated that the couple went to the house of applicant's Aunt at village Parsoda, where they stayed in the family for long 15 days. Pertinent to note that, only when the Police came there, the applicant-accused was arrested and the victim was rescued. *Prima facie*, it does not appear that, the victim was kept under confinement. It reveals from the reply that the Medical Officer opined that, the victim had 8 weeks pregnancy. As per the prosecution story, after 01.01.2020 the victim went with the applicant-accused. *Prima facie*, these things are difficult to comprehended with each other. Admittedly, the investigation is complete and charge-sheet is ready but, not accepted by the Magistrate on the premise of Pandemic Covid-19. Apparently, the victim was of understandable age and she fled with the accused and lived at the relative of the applicant-accuse for near-about 15 days. Now, nothing is to be ceased from the applicant and certainly travel will take long time for its logical conclusion.

7. In the circumstance, I deem it appropriate that the applicant-accused release on bail on certain terms and

conditions, therefore, following order is passed :

- (a) *The applicant-accused namely Nitesh s/o Kashinath Ade is released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or two sureties in the like amount.*
- (b) *The accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case.*
- (c) *The accused shall provide his residential address and cell number to concerned Investigating officer.*

8. 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**

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by Rakesh
Dhuriya
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