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

LD-VC-CRIMINAL APPLICATION [BA] NO. 230/2020.

Akash Narsingh Darshanwar

-VERSUS-

The State of Maharashtra.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri D.I. Charlewar, Advocate for the Applicant.
Shri N.R. Patil, A.P.P. for the Non-applicant.

CORAM : VINAY JOSHI, J.

DATE : JUNE 18, 2020.

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

2. Heard.

The applicant/accused came to be arrested by Police Station Ghatanji, District Yavatmal in connection with Crime registered vide Crime No. 238/2020 for offence punishable under Section 376 of the Indian Penal Code read with Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.

3. The applicant has applied for regular bail

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on the premise of innocence, false implication, completion of investigation etc. The learned counsel appearing for the applicant submitted that there is no material to show that the victim was minor at the time of occurrence. Moreover, he took me through the statement of victim to show that she was consenting party and took leading part in the incident.

4. Learned A.P.P. appearing for State resisted the bail by submitting that the applicant had illicit intercourse with a minor who in turn became pregnant. Considering the gravity of the offence, he prayer for rejection of bail.

5. On the basis of the FIR lodged by father of the victim, aged 17 years, an offence came to be registered. Statement of victim itself discloses that she had a love affair with the accused and had voluntarily gone to the house of the accused. No doubt if the victim is proved to be minor, then her consent assumes no significance. However, it is apparent that no force or compulsion was used by the accused, who was a young boy.

6. Learned counsel for the applicant took me through a letter dated 06.05.2020, issued by the Chief

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Officer, Nagar Parishad, Arni to show that there is no birth entry of victim with the records of Nagar Parishad. Moreover, ossification test of victim was conducted to ascertain her age.

7. The aspect of minority of victim would be considered at the time of trial. Since there is no element of force and the victim was of understandable age, there is no need to keep the applicant behind bars for longer period. Moreover, investigation is completed and charge sheet is filed. In view of that it is a fit case to release the applicant on bail by imposing certain conditions. Hence, the following order.

(i) The applicant/accused - Akash Narsingh Darshanwar is released on bail on his furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

(ii) The applicant/accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case.

(iii) The applicant/accused shall provide his registered residential address and cell number to the concerned police station.

8. Criminal Application is accordingly

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disposed of.

9. This order be communicated to the counsel appearing for the parties, either on the e-mail address or on WhatsApp or by such other mode, as is permissible in law.

JUDGE

Rgd.