

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

CRIMINAL APPLICATION (BA) NO.688 OF 2020

(Anil s/o Ramlal Rathod Vs. State of Maharashtra thr. PSO PS Jiwati, Dist.
Chandrapur)

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

Court's or Judge's orders.

Shri Amit V. Band, Advocate for Applicant.
Mrs. S.S. Jachak, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 18th SEPTEMBER, 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 is arrayed as accused in Crime 53/2020 registered with Police Station Jiwati, District Chandrapur for offence punishable under section 452, 354, 354 (a) and 305 of the Indian Penal Code and section 8 of the Protection of Children from Sexual Offences Act, 2012.

4] The deceased was a minor. The case of the prosecution, which is supported by the statements of witnesses including the statement of the grand-mother of the deceased, is that because the applicant sexually assaulted the deceased, she could not bear the humiliation

and committed suicide.

5] Offence punishable under section 305 of IPC is extremely grave and attracts stringent punishment, if proved.

6] *Prima facie*, there is ample material to connect the applicant with the crime. According to the grand-mother of the deceased, the deceased declared that she intended to take her life since she would not be in a position to live with the humiliation and stigma. Ultimately it would be for the trial court to come to an appropriate conclusion whether the act of suicide was abetted by the applicant. However, at this stage, there is sufficient material to suggest that the applicant ought to have known that sexually assaulting a minor may drive her to take the extreme step.

7] The application is dismissed.

JUDGE