

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

LD-VC-CRIMINAL APPLICATION (BA) NO. 1177 OF 2020

(Golu @ Nikhil s/o Suresh Khatale ..vs.. State of Maharashtra, through PSO, PS Anjangaon Surji)

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

Court's or Judge's orders

Shri PR. Agrawal, Counsel for the applicant,
Shri C.A. Lokhande, Addl.PP for the non-applicant.

CORAM : ROHIT B. DEO, J.

DATED : 03-09-2020

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 in custody in connection with Crime 255/20 registered with Anjangaon Surji Police Station for offences punishable under Sections 376, 376(2)(n), 376(3), 363, 366(A), 506 of the Indian Penal Code and Sections 4, 6 and 17 of the Protection of Children from Sexual Offences Act.

4. According to the complainant, she was subjected to sexual intercourse, and at least on one occasion to violent sexual intercourse, on 03-1-2020, 25-1-2020 and 08-5-2020. The report is lodged on 10-5-2020 and the victim was medically examined on 11-5-2020.

5. The MLC report, at least *prima facie* is not consistent with the version of the complainant. No hymnal or any other injury, genital or external is detected.

6. Considering the unexplained failure to report the alleged incidents dated 03-1-2020 and 25-1-2020 and the medical evidence, in my considered view, the applicant has made out a case for grant of bail.

7. The apprehension of the prosecution is that since the applicant is a neighbour, he may tamper with the witnesses. The learned Counsel for the applicant states that the applicant shall not enter the territorial limits of village Pandhari Khanampur till the conclusion of the trial.

8. The application is allowed.

9. The applicant be released on bail on furnishing personal bond of Rs.25,000/- with a solvent surety of like amount.

10. The applicant shall attend Police Station Anjangaon Surji as and when directed by the Investigating Officer, till the filing of the charge-sheet.

11. The applicant shall not make any attempt to tamper with the evidence or to influence witnesses.

12. The 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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