

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

Criminal Application (BA) No. _____ of 2020 (LD-VC No. 469 of 2020)
[Chandu @ Chandrabhan S/o Govindrao Kukade Vs. State of Maharashtra through P.S.O., P.S. Telhara, Tq. Telhara, Distt. Akola]

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

Court's or Judge's Order

Shri A. Siddiqui, Advocate for the applicant
Mrs. M. A. Barabde, APP for the State/non-applicant

CORAM : M. G. GIRATKAR, J.

DATE : 30/07/2020

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

2. Heard learned Advocate Shri Siddiqui for the applicant and Mrs. Barabde, learned Additional Public Prosecutor for the State.

3. The applicant is arrested by the police for kidnapping a minor girl aged about 9 years. Minor girl/victim was found at Village, Pathardi. She was taken to Dr. Wasu. Complainant came to know that his daughter was in the hospital of Dr. Wasu. Therefore, he went to hospital of Dr. Wasu. On enquiry, the minor girl narrated the incident.

4. As per the prosecution story, the minor girl was kidnapped by the applicant. The applicant inserted his finger in private part of the victim girl. She was examined by the Doctor and as per the opinion of doctor, injury to private part of the victim was found. The applicant was

arrested for the offences punishable under Sections 376, 376(AB) and 363 of the Indian Penal Code and Sections 3, 4, 5(m) and 6 of the Protection of Children from Sexual Offences Act. The investigation is complete and charge-sheet is filed.

5. As per the submission of learned Additional Public Prosecutor, there is every chance of tampering the evidence of prosecution witness. The prosecution has *prima facie* case against the applicant. Therefore, the application is liable to be rejected.

6. From the perusal of charge-sheet, it appears that the applicant kidnapped the minor girl, aged about 9 years. He had taken her near the river. He inserted finger in the private part of the victim. Victim was found at Village, Pathardi in the hospital of Dr. Wasu. Medical certificate shows that victim girl had injury on her private part. CCTV footages seized by police show the presence of the applicant while taking the victim on his motorbike. At this stage, the applicant is not entitled for bail. Hence, the application is rejected. Charge-sheet is already filed. Trial Court is directed to expedite the trial.

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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