

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

CRIMINAL APPLICATION (BA) NO. 1046 OF 2020

(Dinesh Dipak Wankhade vs. State of Maharashtra thr. PSO, PS Daryapur, Tahsil – Daryapur,
District - Amravati)

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

Court's or Judge's orders.

Shri R.J. Shinde, Advocate for the applicant.
Shri H.D. Dubey, APP for the non-applicant – State.

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CORAM : PUSHPA V. GANEDIWALA, J.
DECEMBER 10, 2020.

Heard Shri Shinde, learned counsel for
the applicant and Shri Dubey, learned APP for the
non-applicant – State.

2. The applicant is seeking bail in Crime No. 240 of 2020 for the offence punishable under Sections 376(2)(n), 452, 323, 506 of the Indian Penal Code and under Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as the POCSO Act), registered at Daryapur Police Station, District - Amravati.

3. It is the case of the prosecution that the victim along with her brother, they being orphan,

were staying with the applicant as the applicant supported them. The age of the victim at the relevant time was 16½ years. It is alleged that the present applicant used to assault the victim and used to establish physical relations forcefully. The victim left his house and took a room on rent. One day, the applicant came to the victim's place and asked her to come with him and when she refused to accompany her, he again assaulted her and then she lodged a report.

4. I have perused the application, affidavit-in-reply filed on behalf of the non-applicant – State and the charge sheet.

5. At the outset, the age of the present applicant is 22 years. A perusal of the statement of the victim - girl and her boy would reflect that at her own she stayed with him and the relationship between them appears to be of consensual. He used to treat her as his wife. With regard to allegations of assault, all the allegations appear to be general in nature.

6. Considering the age of the girl and the boy, coupled with the fact that the investigation is completed and charge sheet is filed, with no criminal

antecedents, this Court is inclined to grant the applicant bail.

7. In the circumstances, Criminal Application is allowed on the following conditions :

(i) The applicant – Dinesh Dipak Wankhade shall be released on bail on executing Personal Bond of Rs.30,000/- (Rs. Thirty thousand only) with one surety in the like amount.

(ii) The applicant shall not tamper with the evidence.

(iii) The applicant shall not pressurize the prosecution witnesses.

(iv) The applicant shall attend the Police Station once in a month on every first Thursday of the month between 11.00 AM to 1.00 PM.

8. Needless to mention that the observations made in this order are only for deciding the present application for bail, the trial Court shall not get influenced by the same and it shall be free to decide the matter on its own merits.

JUDGE

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