

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

CRIMINAL APPLICATION (ABA) NO. 889 OF 2019

Pankaj Banduji Durge .Vs. State of Maharashtra, through P.S.O., P.S.
Gondpipri, Dist. Chandrapur.

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

Court's or Judge's orders.

Mr. M.N. Ali, Advocate for applicant.
Mr. P.S. Tembhare, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.
DATED : JANUARY 04, 2020

Heard Mr. Ali, learned counsel for the applicant
and Mr. Tembhare, learned Additional Public Prosecutor for
non applicant-State.

The applicant is apprehending his arrest in
connection with Crime No.316/2019 registered with Police
Station, Gondpipri, Dist. Chandrapur for an offence
punishable under Sections 363, 366 of the Indian Penal
Code and under Sections 3 and 4 of the Protection of
Children from Sexual Offences Act.

Report is lodged by Vijay, father of the victim on
04.12.2019 in respect of occurrence of 03.12.2019. As per
the report, the victim is aged about 16 years. She used to
take education in a school situated at Talodhi. On
03.12.2019, as per the report, when first informant and his
wife was coming to their house, first informant received a
phone call from Mr. Gudpalle, a teacher. It was intimated to
Vijay by the said teacher that though her bag is in the school,

she is absent from the school. The FIR further states that thereafter first informant made inquiry with Manisha, a friend of victim, who disclosed that after attending school and keeping her school bag, victim went away along with one boy on his motorcycle. The FIR states that search was made and at 05:00 in the evening near *Jagannath Baba Math*, he noticed that victim went along with one boy on a motorcycle. On the call given by first informant, the motorcycle was stopped. As per the report, thereafter the first informant made inquiry with the victim in which she disclosed that applicant came to her school on motorcycle and by giving threat, he took away her with him.

Statement of the victim is recorded on 06.12.2019. Her statement does not show that at any point of time the applicant has touched any part of the body of the victim.

The prosecution will have to prove, during course of the trial, the age of the victim strictly, in accordance with law.

Looking to the nature of accusation, in my view, custodial presence of the applicant is not at all warranted. That leads me to pass the following order.

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest of applicant - Pankaj Banduji Durge in connection with Crime No.316/2019 registered with Police Station, Gondipipri, Dist. Chandrapur for an offence punishable under Sections 363, 366 of the

Indian Penal Code and under Sections 3 & 4 of the Protection of Children from Sexual Offences Act, be released on bail on he executing P.R. bond in the sum of ₹10,000/- with one solvent surety in the like amount.

(iv) The applicant is directed to attend Police Station, Gondipipri, Dist. Chandrapur twice a week i.e. on every Thursday and Friday and shall be with the Investigating Officer from 11:00 a.m. to 02:00 p.m., till filing of the charge-sheet.

The application is disposed of.

JUDGE

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