

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

CRIMINAL APPLICATION (ABA) NO.64 OF 2021

(Amardip s/o Govardhan Savale Vs. State of Maharashtra thr. PSO PS Khadan, Tah. &
Dist. Akola)

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

Court's or Judge's orders.

Mr. A.S. Londhe, Advocate for Applicant.
Mr. S.S. Doifode, APP for Non-Applciant/State.

CORAM: ROHIT B. DEO, J.

DATE: 5th MARCH, 2021.

The applicant is apprehending arrest in Crime 616/2020 registered with Police Station Khadan, Tahsil and District Akola for offences punishable under Sections 354, 354-A of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act).

2. I heard the learned counsel Mr. Atul Londhe, who argued in support of pre-arrest protection on 03.03.2021.

3. I was not inclined to protect the applicant. However, at the stage of dictating the order, a statement was made that the applicant shall surrender before the Investigating Officer on or before 10:00 a.m. on 05.03.2021 and that this Court may not, therefore, deal with the

application on merits.

4. In view of the said statement, the dictation of the order was postponed.

5. Today, the learned APP Mr. Doifode states that the applicant has not surrendered as assured. The learned counsel for the applicant states that he has no instructions.

6. It would therefore, be necessary to record brief reasons for not extending interim protection to the applicant.

7. The complainant is a minor. She has alleged sexual molestation and a demand for sexual fever. The allegation is that the applicant entered the house of the minor victim, and asked her to accompany him to a dilapidated house, when the minor victim refused, the applicant attempted to hold her hands and dragged her out of the house. The minor victim raised a hue and cry. Till the neighbours could reach, the applicant had fled.

8. The version of the minor victim is more than amply corroborated by the neighbours who arrived at the scene and to whom the minor victim disclosed the entire incident. Perusal of the statements in the case diary reveal that the version of the witnesses is consistent.

9. Considering the nature of the allegation, no discretion can be exercised in favour of the applicant.

10. The application is dismissed.

JUDGE

NSN