

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT NAGPUR

CRIMINAL APPLICATION (APPA) NO.105 OF 2021
AND
CRIMINAL APPLICATION (APPP) NO. 291 OF 2021
AND
CRIMINAL APPEAL NO. OF 2021

(NILESH BHARAT UKEY...VS.. STATE OF MAH.THR.PSO PS AMGAON, GONDIA & ANR.)

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

Court's or Judge's orders

Shri H.P.Lingayat, Advocate for Applicant.
Ms Mayuri Deshmukh, A.P.P. for Non-applicant No.1.

CORAM : Z.A.HAQ & AMIT B. BORKAR, JJ.
DATED : FEBRUARY 15, 2021.

CRI.APPLN.NO.105/2021.

Considering the directions issued by the Hon'ble Supreme Court in Suo-Motu Writ Petition(Civil) No. 3 of 2020 regarding extension of limitation, and accepting the explanation given in the application, especially that the applicant is in jail, it is held that the appeal filed by the applicant/appellant is not barred by limitation.

The Criminal Application is **disposed** accordingly.

CRI.APPLN.NO.291/2021.

For the reasons stated in the application, the applicant is permitted to incorporate the proposed amendment and implead the victim as Non-applicant No.2-A.

The Criminal Application is **allowed** accordingly.

CRI.APPEAL NO. _____/2021.

Criminal Appeal is taken up for hearing on admission.

Issue notice to the respondents, returnable on **6th April 2021.**

Ms Mayuri Deshmukh, learned A.P.P. waives notice for the Respondent No.1.

The appellant (aged about 24 years) is arrested in connection with Crime No.4 of 2019, registered with the respondent No.1-Police Station for the offences punishable under Sections 376(2)(L), 366A, 417 of the Indian Penal Code read with Section 6 and 10 of the Protection of Children from Sexual Offences Act and Section 3(1)(w)(i)(ii) Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 and 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. The appellant is arrested on 6th January 2019 on the accusations that he has committed the crime *vis-a-vis* the respondent No.2-A who was aged about 17 years at the time of incident.

The appellant has stated in paragraph No.10 of the Memorandum of Appeal that he is permanent resident of Kattipar, Tahsil : Amgaon, District : Gondia and any other crime is not registered against him. The investigation is complete and charge-sheet is filed. From the record, the respondent No.1-Investigating Agency has not been able to point out that further custody of the appellant is required.

Considering the above facts, we pass the following order:

The appellant, having been arrested in connection with Crime No.04/2019, registered with the Respondent No.1-Police Station, he be released on provisional bail on executing P.R. Bond for Rupees Twenty Thousand and furnishing one solvent surety in the like amount.

The appellant shall attend the trial before the Special Court on every date unless granted exemption by the Special Court.

(AMIT B. BORKAR, J)

(Z.A.HAQ, J.)

RRaut..