

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

CRIMINAL APPLICATION (ABA) NO. 120 OF 2020

(Janraoji Kisanrao Baitule and another ..vs.. State of Maharashtra, through PSO, PS Chandur Bazar)

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

Court's or Judge's orders

Mr. A.A. Dhawas, Counsel for the applicants,
Mr. S.S. Doifode, Addl.P.P. for the non-applicant/State.

CORAM : ROHIT B. DEO, J.

DATED : 04-01-2021

Heard.

2. The applicants are apprehending arrest in Crime 44/2020 registered with Chandur Bazar Police Station for offences punishable under Section 376(3) read with Section 34 of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act.

4. The primary allegations of sexual assault are against accused 1-Ramdas Katole and a juvenile-in-conflict, who are the father and the brother of the victim, respectively.

5. The further allegation is that after the victim went to applicant 2 who is her maternal aunt, at village Nimbhari Dhote, her husband applicant 1 also subjected her to sexual intercourse and that when she disclosed the misconduct to applicant 2, she was asked not to make an issue.

6. Applicant 1 is aged 82 years. While it would not be appropriate to make any decisive observation on the merits of the allegations, *prima facie*, the version of the minor victim may have to be seriously tested.

7. Applicant 1 is suffering from several ailments. Considering the nature of the accusations, and the fact that applicant 1 is aged and infirm and no direct role is assigned to applicant 2, the interim protection granted vide order dated 26-2-2020 is made absolute with the only modification that the applicants shall not make any attempt to influence the witnesses, directly or indirectly and shall not leave the country without the permission of the trial Court.

JUDGE

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