

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

CRIMINAL APPLICATION [BA] NO. 233/2021.

Yogesh Mahadeo Taywade.

-VERSUS-

The State of Maharashtra.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri A.J. Mirza, Advocate for the Applicant.

Ms. N. Mehta, A.P.P. for the Non-applicant.

CORAM : VINAY JOSHI, J.

DATE : APRIL 30, 2021.

Heard learned Counsel for the parties
through video conference.

2. The applicant is arrested in connection with Crime No. 975/2020 registered with Digras Police Station, District Yavatmal for the offence punishable under Sections 363, 366A, 376[2][n] and 376[3] of the Indian Penal Code and Sections 4 and 6 of the Protection of Children for Sexual Offences Act.

3. The applicant is claiming regular bail on the ground of innocence, false implication and completion of investigation.

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4. The State has resisted the bail by submitting that the applicant has sexually abused a minor girl. There is ample evidence against the applicant and there are chances of tampering of evidence.

5. Father of a minor victim aged 15 years has lodged a report on 12.12.2020, stating that the applicant was having love affair with the minor victim. On 10.12.2020, the applicant has kidnapped the minor, took her to his cousins house and had sexual intercourse with her.

6. The victim in her statement disclosed that she had love affair with the applicant and out of their relationship, she had sexual relations with the applicant at his relatives place.

7. The learned counsel for the applicant would submit that the applicant is a young boy of 19 years age and there was love affair. According to him, though both have eloped, however, they have no sexual relations. Medical evidence nowhere suggest any injury marks i.e. sign about use of force or compulsion. The investigation is complete and charge sheet has

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been filed.

8. It is not a case of compulsive sexual intercourse by use of force. Already investigation is completed and charge sheet is filed. The applicant is a young boy of 19 years. The trial will take its own time for disposal according to law. The aspect of tampering can be taken care of by imposing stringent conditions. Having regard to these aspects, the applicant has made out a case for grant of bail. Hence, the following order.

- (i) Criminal Application is allowed and disposed of.
- (ii) The applicant/accused namely - Yogesh Mahadeo Taywade be released on bail in connection with Crime No. 975/2020 registered with Digras Police Station, District Yavatmal for the offence punishable under Sections 363, 366A, 376[2][n] and 376[3] of the Indian Penal Code and Sections 4 and 6 of the Protection of Children for Sexual Offences Act on his furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (iii) The applicant shall not enter the territorial limits of village Digras, except for attending the Court dates till the conclusion of the

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trial.

- (iv) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.

Rgd.

JUDGE