

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

CRIMINAL APPLICATION (BA) NO. 257/2021

Jeevanlal Pratapsingh Chittodiya

-VERSUS-

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 M. N. Ali, Advocate for applicant.

Shri M. J. Khan, APP for State.

CORAM : VINAY JOSHI, J.

DATE : 15.06. 2021.

Hearing was conducted through Video Conferencing.

2. At the request of learned counsel for the applicant, he has been permitted to correct the age of applicant as 21 years instead of 75 years mentioned in the cause title of the application.

3. The applicant is seeking regular bail in Crime No. 578/2020 for the offence punishable under Sections 363, 366, 306, 34 of the Indian Penal Code and Sections 12, 17 of the Protection of Children from Sexual Offences Act. The bail is claimed by stating innocence, false implication and complication of investigation. The State resisted bail by filing reply-affidavit and pointing towards the allegations levelled against the applicant.

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4. The victim aged around 16 years committed suicide on 06.09.2020 by jumping into the well i.e. by drowning. After learning the things, the victim's father has lodged report on 08.09.2020 contending that the applicant ran away with the victim and got married. After some days from marriage, the informant telephonically learnt about matrimonial harassment extended by the applicant and his father to the victim. Finally, he came to know that victim committed suicide and therefore, he lodged report.

5. Learned counsel for the applicant has disputed the age of victim by stating that there is no admissible evidence collected by the Investigating Agency about the date of birth of the victim. He has also pointed out that soon after death of victim, the applicant himself has lodged report with the Police. It is his submission that deceased was of whimsical nature having tendency to commit suicide for which the applicant cannot be blamed.

6. Admittedly, besides Adhar Card, no other documents are produced about the death of birth of the victim. Medical report indicates approximate age of victim as 17 years with margin of error. The statement indicates that victim was in love with the applicant. The allegations of

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harassment have first time disclosed after death of victim. There are no specific instances stated by the parents of the deceased. The investigation is complete and charge-sheet has been filed. The maximum punishment attract for the offence even proved is of punishment upto 10 years of imprisonment. Co-accused is already released on bail by this Court.

7. Having regard to all above circumstances, applicant has made out case for bail. Hence, following order:-

(I) Applicant Jeevanlal Pratapsingh Chittodiya is released on bail on his furnishing P.R. Bond of Rs. 25,000/- with one or two sureties in the like amount.

(II) The applicant/accused 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.

JUDGE

Gohane.