

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

CRIMINAL APPLICATION (ABA) NO. 238 OF 2021

Naim Khan Bismila Khan

...Versus...

State of Maharashtra through PSO, P.S. Paratwada, Tah. Achalpur,
Distt. Amravati

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

Court's or Judge's orders

Shri S.R. Shinde, Advocate for the applicant
Shri A.R. Chutke, APP for non-applicant/State

CORAM : N.B.SURYAWANSHI, J.

DATE : 23/06/2021

Hearing was conducted through Video Conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. The learned Advocate for the applicant undertakes to remove office objections within a period of one week from today.

3. The applicant apprehends his arrest in Crime No. 0402/2020, registered with Paratwada Police Station, District Amravati for the offences punishable under Sections 354, 109, 120-B, 503 of the Indian Penal Code, under Sections 8 and 3 of the Protection of Children from Sexual Offences Act, 2012 and under Sections 3(1)(w)(i), 3(1)(w)(ii), 3(2)(w)(va) of the Scheduled Castes and the Scheduled Tribes Act.

4. It is the prosecution case that the applicant lured the victim by assuring her that by doing Pooja and magic and establishing physical contact with her, there will be rain of money. The actual physical contact did not take place. After removing the clothes of the victim, she ran away from the spot and thereafter the First Information Report was lodged against ten persons. Out of them, eight were arrested and present applicant and one more co-accused are allegedly absconding.

5. Heard the learned Advocate for the applicant and the learned Additional Public Prosecutor for the non-applicant/State. It is submitted that charge-sheet in the present case is filed on 24/12/2020 and the case is numbered as C.C. No.893/2020.

6. The charge-sheet reveals that the victim has from time to time changed her version. The victim in her statement dated 23/10/2020 has stated that no such incident as alleged in the F.I.R. has taken place.

7. Taking into consideration the material in the charge-sheet and the fact that the other accused are already arrested and released on bail, custodial detention of the applicant at this stage is not warranted in the facts of the present case. The application is therefore allowed. The interim order dated 09/04/2021 is confirmed.

8. Till filing of the charge-sheet, the applicant shall attend the concerned Police Station as and when called by the investigating officer.

9. The observations made in the matter are *prima facie* in nature and the learned trial Judge shall not be influenced by the same during trial.

JUDGE