

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

CRIMINAL APPLICATION (ABA) NO. 321 OF 2021

Umesh Namdeo Kothalkar

...Versus...

State of Maharashtra through PSO, P.S. Jalgaon Jamod, Tq. Khamgaon,
Distt. Buldana

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

Court's or Judge's orders

Ms Sonali Saware Gadhave, Advocate for the applicant
Shri S.D. Sirpurkar, 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. 241/2021, registered with Jalgaon Jamod Police Station, District Buldhana for the offences punishable under Sections 376(2)(j), 376(2)(n), 376(2)(d), 354 of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.

4. It is the prosecution case that the accused Shravan took the victim along with the present applicant on

motorcycle to a field and there in a hut he ravished the victim who is a minor. At the relevant time the present applicant was standing outside the hut.

5. Heard the learned Advocate for the applicant and the learned Additional Public Prosecutor for the non-applicant/State. Perused the investigation papers. The investigation papers reveal that the main allegations are against the accused Shravan who was arrested and it is informed by the learned Advocate for the applicant that he is released on bail by the Trial Court.

6. Taking into consideration the nature of the allegations revealed against the present applicant, *prima facie*, the active involvement of the applicant in the offence is not made out. Nothing is to be recovered from him and custodial interrogation of the applicant at this stage is not necessary.

7. In that view of the matter, the application No. 321/2021 is allowed.

8. In the event of the arrest of the applicant in Crime No. 241/2021, registered with Jalgaon Jamod Police Station, District Buldhana for the offences punishable under Sections 376(2)(j), 376(2)(n), 376(2)(d), 354 of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012, the applicant be

released on bail on his furnishing P.R. Bond of Rs. 15000/- with one surety in the like amount.

9. The applicant shall attend the concerned Police Station twice a week i.e. on every Tuesday and Friday between 10.00 a.m. to 12.00noon till the filing of charge-sheet.

10. The applicant shall not influence the prosecution witnesses.

11. The applicant shall not indulge in any criminal activity.

JUDGE