

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

CRIMINAL APPLICATION (BA) 561 OF 2021

(Akash s/o. Keshav Meshram..vs.. State, thr PSO, PS Kardha, Dist. Bhandara)

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

Court's or Judge's orders.

Mr. R.K. Tiwari, counsel for applicant.
Mrs. K.R. Deshpande, APP for non-applicant/State.

CORAM: ROHIT B. DEO, J.
DATE:09.07.2021.

*Hearing was conducted through video conferencing
and the learned counsel agreed that the audio and
visual quality was proper.*

Heard.

2. The applicant is implicated in Crime 47/2021, registered with Police Station, Kardha, Dist. Bhandara, for offences punishable under sections 363, 366(a), 376(3), 354 read with section 34 of Indian Penal Code, which is registered on the basis of report lodged by Mr. "G", the father of the minor girl.

3. The gist of the prosecution is that co-accused Mr. Lahu and Mr. Vishwadeep abducted the victim. While the victim, even according to the prosecution, was in touch with Mr. Lahu and Mr. Vishwadeep on social media, the

exact relationship is blurred. The learned counsel for the applicant Mr. R.K. Tiwari would further submit that the victim had a soft corner for Mr. Lahu.

4. Be that as it may, according to the prosecution, the victim left her parental custody alongwith Mr. Lahu and Mr. Vishwadeep on 6.2.2021. Mr. Lahu asked Mr. Vishwadeep to take the victim to his residence. The victim was taken to the residence of Mr. Vishwadeep where she spent the night alongwith Mr. Vishwadeep's wife. According to the victim, she stayed with Mr. Vishwadeep for five days till 12.2.2021 when Mr. Vishwadeep took her to village Pipri and on the next day on 13.2.2021 sexually ravished her. According to the victim, she was taken by Mr. Vishwadeep to Bhandara and then handed over to Mr. Akash – applicant herein. Mr. Akash took the victim to his friend Mr. Shatrughna who was residing alongwith his wife and child. The victim stayed there till 20.2.2021 when she was handed over by Mr. Shatrughna to one NGO.

5. The solitary allegation, or rather the overt role in

the version of the victim is that while she was at the residence of Mr. Shatrughna, the applicant came there and touched her breasts and private part and then threatened her.

6. According to Mr. R.K. Tiwari the role attributed to applicant is extremely doubtful in view of the statement of Mr. Shatrughna and his wife. Au contraire, the fact that according to the said witnesses, the victim and the applicant Mr. Akash went to the market together to purchase chappals etc would belie the allegation in the complaint that the applicant took undue advantage of the victim, is the submission.

7. Mr. R.K. Tiwari states that the applicant has no criminal antecedents. The statement is accepted and since I am inclined to grant bail, and one consideration is that according to Mr. R.K. Tiwari, the applicant has no criminal record, it is made clear that if the statement turns out to be incorrect, this Court may revisit the applicant's entitlement to bail.

8. On overall consideration of the material on record and the role attributed, I find no reason to continue the incarceration of the applicant.

9. The applicant be released on bail in connection with Crime 47/2021, registered with Police Station, Kardha, Dist. Bhandara, for offences punishable under sections 363, 366(a), 376(3), 354 read with section 34 of Indian Penal Code, on executing PR bond of Rs. 16,000/- (Rupees Sixteen Thousand) with one solvent surety of the like amount.

10. The applicant shall not, directly or indirectly, make any attempt to influence the witnesses or otherwise tamper with the evidence.

11. The applicant shall not leave the country without the permission of the trial Court.

Judge