

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

CRIMINAL APPLICATION (BA) 610 OF 2021

(Kisan Yadav Sonone..vs.. State, thr PSO Malkapur, Tq. Malkapur, Dist. Buldana)

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

Court's or Judge's orders.

Mr. S.V. Sirpurkar, counsel for applicant.
Mr. N.S. Rao, APP for non-applicant/State.

CORAM: ROHIT B. DEO, J.
DATE:26.07.2021.

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

Heard.

2. The applicant Mr. Kisan is in custody since 9.4.2020 in connection with Crime 299/2020, registered with Police Station, Malkapur, Dist Buldana, for offences punishable under sections 376(3), 376(2)(j), 376(2)(n), 376 DA, 323, 504, 506 of Indian Penal Code, sections 4,5(jm), 5(j)(2), 6 of Protection of Children from Sexual Offences Act read with section 34 of Indian Penal Code.

3. Mr. Kisan and one Mr. Amol Wankhede are accused of sexually exploiting the minor victim, then 14 years old. The minor victim conceived. While the fetus was

aborted, the DNA profiling has revealed the father to be the co-accused Mr. Amol Wankhede.

4. In so far as Mr. Kisan is concerned, he is a 54 year old neighbour of the victim who, allegedly first sexually exploited her in August 2019 and then repeated the sexual misconduct several times, and so did, according to the minor victim, Mr. Amol Wankhede.

5. It would not be necessary to evaluate the material minutely, such exercise is best left to the trial Court. However, considering that the specific details as regards the timeline are absent in the report, that it is the co-accused who prima facie impregnated the victim, that there are no criminal antecedents and the applicant has undertaken not to enter the territorial limits of Malkapur Taluka till the conclusion of the trial, the applicant has made out a case for grant of bail.

6. The applicant be released on bail in connection with Crime 299/2020, registered with Police Station, Malkapur, Dist Buldana, for offences punishable under

sections 376(3), 376(2)(j), 376(2)(n), 376 DA, 323, 504, 506 of Indian Penal Code, sections 4,5(jm), 5(j)(2), 6 of Protection of Children from Sexual Offences Act 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.

7. The applicant shall not enter the territorial limits of Malkapur Taluka till the conclusion of the trial, save and except to attend Court hearing or if otherwise permitted by the jurisdictional Court for just reasons.

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

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

Judge