

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

Criminal Application (BA) No. 796 of 2021

[Nagesh s/o Ramkrishnarao Ingale ..vs.. State of Maharashtra through P.S.O., P.S. Brahmanwada
Thadi, Tq. Chandur Bazar, Dist. Amravati]

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

Court's or Judge's orders

Ms. A. R. Sharma, Advocate for the applicant
Mr. N. S. Rao, APP for the State/non-applicant

CORAM : ROHIT B. DEO, J.

DATED : 04-10-2021

The applicant is seeking bail in connection with Crime 32/2021 registered with Police Station, Brahmanwada Thadi, Tq. Chandur Bazar, District Amravati for the offences punishable under Sections 376(2)(f), 376(2)(i), 452 and 506 of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act.

2. The crime is registered on the basis of complaint lodged by the then 16 years old victim who is the niece of the applicant.

3. According to the victim, it was on 8-2-2021 at 3.00 p.m. or thereabout that the applicant barged in her

house when she was watching TV. The victim alleges that the applicant offered her Rs. 500/- and sought sexual favour. The victim did not oblige and then the applicant subjected her to forcible sexual intercourse after gagging her mouth with hand. The victim further alleges that the applicant issued threats. The learned counsel for the applicant points out the medical certificate which surprisingly record that the victim is incapable of having sexual intercourse. The medical report is not in the appropriate format. In the absence of particulars and a detailed report, why such observation is found is left to speculation.

4. Be that as it may, insofar as entitlement to bail is concerned, considering that the entire investigation is complete and the charge-sheet is filed and at least as of now, the medical report is not consistent with what is alleged by the victim, the applicant is entitled to bail subject to certain stringent conditions.

5. The application is allowed subject to the following conditions.

(a) The applicant be released on bail on furnishing PR bond of ₹ 16,000/- (Rupees Sixteen Thousand) with solvent surety of like amount.

(b) The applicant shall not tamper with the evidence or make any attempt to influence the witnesses, directly or indirectly.

(c) During the pendency of the trial, the applicant shall not enter the territorial limits of Village Vishroli, Tahsil Chandur Bazar, District Amravati unless he is required to do so by the jurisdictional Court. Breach of this condition shall *ipso facto* entail in cancellation of bail, if an appropriate motion is moved by any interested person.

(d) The applicant shall, within 48 Hours of the release, make available to the Investigating Officer his residential address and the current phone number/s and

shall keep the Investigating Officer updated of any change.

(e) The applicant shall not leave the country without the permission of the jurisdictional Court.

JUDGE

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