

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

CRIMINAL APPEAL NO.792 OF 2019

APPELLANT : Chiranjeev Laxminarayan Raut,
Aged : 26 years, Occu : Driver,
R/o Vyenhkatraopetha,
Tah. Aheri, Dist : Gadchiroli.

V E R S U S

RESPONDENTS : 1. The State of Maharashtra,
Through Police Station Officer,
Police Station, Aheri,
District - Gadchiroli.

2. Ku. Jyoti Bapu Aalam,
Aged : 19 years, Occu : Household,
R/o Vyenhkatraopetha,
Tah : Aheri, Dist : Gadchiroli.

Shri A. R. Fule, Advocate for appellant.
Shri T. A. Mirza, Additional Public Prosecutor for respondent
No.1-State.
Shri Anirudh Ananthakrishnan, Advocate for respondent No.2.

CORAM: Z.A. HAQ & AMIT B. BORKAR, JJ.
DATED : 06/01/2021.

ORAL JUDGMENT : (PER AMIT B. BORKAR, J.)

1. Heard.

2. **Admit.**

3. This is an appeal under Section 14-A of the
Scheduled Castes and the Scheduled Tribes (Prevention of

Atrocities) Act, 1989 (for short "the Act of 1989") challenging the order dated 13/11/2019 passed by the Additional Sessions Judge, Gadchiroli in Criminal Bail Application No.545/2019 in connection with Crime No.165/2019 registered with the respondent No.1 for the offences punishable under Sections 376, 323, 417 of the Indian Penal Code, Sections 4, 5(l), 6 of the Protection of Children from Sexual Offences Act, 2012 and Sections 3(i)(w)(i)(ii), 3(i)(r), 3(2)(v) of the Act of 1989.

4. The First Information Report came to be registered against the appellant on 07/08/2019. Apprehending arrest, the appellant had filed application under Section 438 of the Code of Criminal Procedure before the Principal District and Sessions Judge, Gadchiroli which came to be rejected by the order dated 13/11/2019. The appellant has, therefore, filed the present appeal before this Court. This Court on 02/12/2019 issued notice to the respondents and protected the appellant by directing his release on provisional bail in case of arrest. In pursuance of the notice, the respondent No.2 had appeared in the present matter. There is no reply filed by the respondent No.2 opposing grant of protection in favour of the appellant.

5. We have considered the contents of the First Information Report. It appears that the respondent No.2 was in relationship with the appellant. From the contents of the First Information Report, the respondent No.2 is aged about 19 years. The accusation against the appellant is that on the promise of marriage, he developed physical relationship with the respondent No.2. The prosecution will have to prove the said fact at the time of trial. The appellant is aged about 26 years. The prosecution has not pointed out that the appellant has misused the liberty granted to him by the order dated 02/12/2019. The appellant, in para 5 of the Appeal Memo, has stated that the appellant has no criminal antecedents to his credit. The prosecution had not pointed out that the appellant had misused the liberty granted to him by the order dated 02/12/2019.

6. We have gone through the contents of the First Information Report. Prima facie, we find that from the averments in the First Information Report, ingredients of the offences under the provisions of the Act of 1989 are not made out.

7. We, therefore, pass the following order :-

ORDER

I] The impugned order dated 13/11/2019 passed by the Additional Sessions Judge, Gadchiroli in Criminal Bail Application No.545/2019 is quashed and set aside.

II] The order of interim protection granted by this Court on 02/12/2019 is confirmed, subject to same condition as stated in the said order.

The appeal is allowed in the above terms.

JUDGE

JUDGE

Choulwar