

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

CRIMINAL APPLICATION (ABA) NO.136 OF 2022

Sumit S/o Kalidas Shamkuwar

Versus

State of Maharashtra, through P.S.O., P.S. Andhalgaon, Tah. & Dist. Bhandara

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

Court's or Judge's Order

Mrs. Deepa I Charlewar, Advocate for the applicant.
Shri S.A. Ashirgade, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 10/03/2022

1. The applicant is seeking pre-arrest bail in Crime No.27 of 2022, dated 27.02.2022 registered with Police Station Andhalgaon, Tq. Mohadi, District Bhandara for the offence punishable under Section 354 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act, 2012.
2. The allegations are that the applicant misbehaved with the complainant who is a 15 years old girl and thereby committed offence. Thereupon, the aforesaid offence was registered.
3. Mrs. Deepa I Charlewar, learned counsel for the applicant submits that there is a delay of about 25 days in lodging report and mental condition of the

complainant is not proper. It is submitted that the car used in the alleged offence has already been seized by the Police and therefore, the custody of the applicant is not necessary in the present matter.

4. On the other hand, Shri Ashirgade, learned APP strongly opposes the application and submits that looking to the severity of the offence, this Court may not grant bail to the applicant. It is submitted that the delay has explained by the applicant in the complaint itself. He has drawn attention to the statements of the witnesses recorded by the Investigation Officer during the investigation and submits that as sufficient incriminating material is available on record, the application may be rejected.

5. On perusal of the Case Diary and after going through the contents of the First Information Report, it can be seen that the allegations are very serious. There are statements of witnesses and other incriminating material available on record which *prima facie* shows the involvement of the applicant in the alleged offence. Thus, in view of the incriminating material against the applicant, I am not inclined to allow this application.

The application is **rejected**.

[ANIL S. KILOR, J.]