

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

CRIMINAL APPLICATION (BA) NO.272 OF 2022

Sarangdhar @ Sarya Prabhakar
Vs.

State of Maharashtra, Through Police Station Officer Police Station, M.I.D.C.,
Malkapur, District Buldhana and another

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

Court's or Judge's orders

Mr. R. D. Karode, Advocate for applicant.
Mr. A. R. Chutke, APP for non-applicant no.1/State.
Mrs. Shilpa Giratkar, appointed counsel for non-applicant no.2/Victim.

CORAM : AVINASH G. GHAROTE, J.
DATE : 29/04/2022

Heard Mr. Karode, learned counsel for the applicant and Mr. Chutke, learned APP for non-applicant no.1/State assisted by Mrs. Giratkar, appointed learned counsel for non-applicant no.2/Victim.

2. The applicant has been arraigned for the offence punishable under Sections 376(3), 363, 366, 342, 354 (A)(2), 354(B) and 506 of the Indian Penal Code and Section 4 and 8 of the Protection of Children From Sexual Offences Act, 2012 (POCSO), in Crime No. 187 of 2021.

3. Mr. Karode, learned counsel for the applicant submits, that the investigation is complete. The applicant is residing in a different Village and has been falsely

implicated, and therefore, the application needs to be allowed.

4. Mr. Chutke, learned APP for non-applicant no.1/ State assisted by Mrs. Giratkar, learned appointed counsel for the non-applicant no.2/victim vehemently opposes the application and submits, that there is sufficient material on record, would indicate involvement of the applicant, in the above crime. Reliance is placed upon the statement of the victim as well as Muktai Tayade, Sangita Tayade and Vaishali Tayade as well as the medical report to oppose the application.

5. The incident is dated 16.10.2021, when the victim alongwith her maternal cousin sister had gone to attend the natures call at about 3.00 p.m. in the afternoon and when they were returning, the applicant had come there and had caught hold of the hand of the victim and forcibly took her to his residence, locked the door and committed forcible sexual intercourse. The maternal cousin of the victim, namely Muktai had run to her home informed her mother Vaishali, who had came to the house of the applicant and had consistently knocked on the door, whereupon after some time the applicant opened the door and had ran away from there. The statement of the victim as well as Muktai, substantiate the complaint. The medical report at page 50, indicate injuries, which are consistent with forcible

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sexual assault. The age of the victim was 15 years 2 months at the relevant date, considering which, there is sufficient material on record, and though the charge-sheet has been filed, I do not see any reason to enlarge the applicant on bail.

The application is rejected.

JUDGE

Sarkate