

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

CRIMINAL APPEAL NO.233 OF 2022

(Vinod s/o Vitthal Varabhe @ Telya Vinyababa vs. State of Maharashtra and another)

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

Shri M.J. Khan, Additional Public Prosecutor for
respondent no.1.

CORAM : SUNIL B. SHUKRE AND
G.A. SANAP, JJ.

DATED : JUNE 13, 2022

Heard Shri Khan, learned Additional
Public Prosecutor for the respondent no.1. Nobody
is present for the appellant and the respondent no.2/
informant.

2) We have gone through the memo of
appeal and copy of charge-sheet filed along with this
appeal. On going through the first information
report and the statements of witnesses, we are of the
view that there is a strong prima facie case made out
against the appellant for the offences registered
against him except for the offences punishable under
Sections 3(1) and (2) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act,
1989, and the remaining offences including the
offences punishable under Sections 6 and 12 of the
Protection of Children from Sexual Offences Act,

2012 are serious in nature and considering the conditions in which prosecutrix presently is, it may not be appropriate to grant bail to the appellant, lest there is a possibility of the appellant making an attempt to influence the prosecution witnesses.

3) Of course, the appellant has averred in the memo of appeal that the learned Sessions Judge has passed the impugned order without considering the factual and legal aspects of the matter and that all the allegations made in the first information report are false and do not attract in any way any of the offences registered against the appellant, but if we go through the allegations made in the first information report and also statements of witnesses, which are very specific in nature, we find that all the serious offences are prima facie made out against the appellant.

4) The appellant has also submitted through his memo of appeal that there is no need for the appellant to be kept in Jail and there is no possibility of the appellant tampering the prosecution evidence. We have already found prima facie involvement of the appellant in committing of serious offences and whenever offences committed are prima facie serious in nature, there is always a possibility of the accused to influence the prosecution witnesses and even avoid trial.

5) Thus, we find that none of the grounds taken in the memo of appeal is sustainable in law. There is no merit in the appeal. The appeal stands dismissed.

JUDGE

JUDGE

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