

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

Criminal Application (BA) No. 956 of 2022

Suhas Narayan Wankhade

Versus

State of Maharashtra, through Police Station Officer, Police Station
Sirajgaon Kasba, Amravati

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

Court's or Judge's Order

Shri P.V.Navlani, Advocate for the applicant.

Shri S.D.Sirpurkar, APP for the State / Non-applicant

Shri H.D.Marathe, Advocate for the non-applicant no.2.

CORAM : ANIL S. KILOR, J.

DATED : 30th August, 2022.

The applicant is seeking bail under Section 439 of the Code of Criminal Procedure in Crime No. 6 of 2022 registered with Police Station Sirajgaon Kasba, Dist. Amravati for the offence punishable under Sections 376, 376-D, 363 and 506 of Indian Penal Code and Sections 4, 8 and 16 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that in the complaint lodged on 6th January, 2022, the applicant was not named, however, subsequently in a statement recorded after about six days, the victim

alleged that on the date of incident the applicant was present at the spot. It is submitted that except this allegation no overt act is attributed against the applicant which would attract any offence under which the present crime is registered. He, therefore, submits that the applicant is falsely implicated in the alleged offence.

3. Learned counsel for the applicant further submits that as the investigation is completed and the chargesheet has been filed, further custody of the applicant is not necessary. Accordingly, he prays for grant of bail.

4. On the other hand, learned Additional Public Prosecutor strongly opposed the application and submits that the applicant was guarding the scene of crime and as such the offences under which the crime came to be registered would attract against the applicant.

5. Shri Marathe, learned counsel for the victim reiterates the submission of the learned Additional Public Prosecutor and prays for rejection of the present application.

6. I have perused the chargesheet and the application.

7. In the complaint lodged by the informant, the applicant was not named as an accused and no role

is attributed to him. However, in a statement of the victim recorded after six days of the lodgment of the report, she has stated that on the date of incident, the applicant was present at the spot of incident. However, there is nothing to show that the applicant was guarding the scene of crime or no overt act is attributed to the applicant.

8. Applicant was arrested on 21st January, 2022 and since then he is in jail. In this case investigation is completed and the chargesheet has been filed, as such further custody of the applicant is not necessary.

9. Thus, considering the nature of allegations made against the applicant and role attributed to the applicant, I am of the opinion that further custody of the applicant is not necessary. Accordingly, I pass the following order.

- i. Criminal application is allowed;
- ii. It is directed that the applicant shall be released on bail in Crime No. 6 of 2022 registered with Police Station Sirajgaon Kasba, District Amravati for the offence punishable under Sections 376, 376-D, 363 and 506 of Indian Penal Code and Sections 4, 8 and 16 of the Protection of Children from Sexual Offences Act,

2012, on furnishing P.R.Bond of Rs.25,000/- with a solvent surety in the like amount;

iii. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;

iv. State is at liberty to apply for cancellation of bail in case the applicant commits similar offence or breach of any conditions.

[ANIL S. KILOR, J.]

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