

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

CRIMINAL APPLICATION (BA) NO.1033 OF 2022

(VIJAY SHESHRAO UMALE....VS.. STATE OF MAH. THR. PSO PS MIDC, AKOLA & ANR.)

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

Court's or Judge's orders

Shri Sumit Gandhe h/f. Shri A.M.Tirukh, Advocate for Applicant.
Ms Kalyani Deshpande, A.P.P. for Non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : OCTOBER 06, 2022.

1. Heard.

2. The applicant is seeking bail in Crime/FIR No.845 of 2021, registered with Police Station, M.I.D.C., Akola for the offences punishable under Sections 363, 366-A, 376(2)(n), 506 of the Indian Penal Code and Sections 3, 4 and 5 of the Protection of Children from Sexual Offences Act, 2012.

3. In this case, initially offence was registered under Section 363 of the Indian Penal Code, on 24/11/2021 at the behest of father of the victim who was 16 years old on the date of lodging of the First Information Report (FIR). The allegations are that the applicant after kidnapping the victim repeatedly committed sexual intercourse with her. The applicant was arrested from Pune after more than six months of the lodgment of the report. The statement of the victim

shows that there was love affair between the victim and the applicant and they were staying at Pune in a rented house as husband and wife. In this case, investigation is completed and the charge-sheet has been filed.

4. Considering the fact that for more than six months the applicant and the victim stayed together and the victim never made any complaint though she had got many such opportunities coupled with the nature of the allegations and the character of the evidence collected by the prosecution, though the learned A.P.P. is opposing the application, I am of the opinion that, by imposing certain stringent conditions, the applicant can be released on bail. 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/FIR No.845 of 2021, registered with Police Station, M.I.D.C., Akola for the offences punishable under Sections 363, 366-A, 376(2)(n), 506 of the Indian Penal Code and Sections 3, 4 and 5 of the Protection of Children from Sexual Offences Act, 2012, on furnishing P.R.Bond of Rupees Twenty Five Thousand with one solvent surety in the like amount;

- iii) The applicant shall not enter into the territorial jurisdiction of Akola city and also the territorial jurisdiction of M.I.D.C. Police Station, Akola, till culmination of trial, except for attending the trial.
- iv) The applicant shall provide his address along with name of the nearest Police Station, which he shall attend on first day of each month between 10:00 a.m. and 12:00 noon, till culmination of the trial.
- v) 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 shall not tamper with the evidence;
- vi) The applicant shall attend the trial before the Special Court regularly on every date unless exemption is granted by the Special Court.

The Criminal Application is **disposed of** accordingly.

JUDGE