

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

Criminal Application (BA) No. 1086 of 2022

Sanjay Eknathrao Itankar

Versus

State of Maharashtra through Police Station Officer, Bhadrawati,
Tah.Bhadrawati, Dist. Chandrapur and another

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

Court's or Judge's Order

Shri A.Z.Jibhkate, Advocate for the applicant.
Shri A.R.Chutke, APP for the State / Non-applicant
Ms. Akshaya Kshirsagar, Advocate appointed for
the non-applicant no.2.

CORAM : ANIL S. KILOR, J.

DATED : 29th SEPTEMBER, 2022.

The applicant is seeking bail under Section 439 of the Code of Criminal Procedure in Crime No. 0366 of 2022 registered with Police Station Bhadrawati, Dist. Chandrapur for the offence punishable under Sections 376(2), 376(2)(b), 376(2)(c), 376(2)(k), 376(2)(1), 376(2)(n), 376(2)(f), 376(3), 376-C, 506 of Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 75 of Juvenile Justice (Care & Protection) Act, 2015.

In this crime though there are allegations that the applicant committed sexual intercourse on four occasions with the victim who is a minor, however, after going through the medical reports and the opinion recorded by the Doctor, it can be said that the medical report does not support the case of the prosecution. Even there are contradictions in the two statements of the victim, recorded during the investigation. Thus, it creates doubt about the veracity of the allegations made against the applicant.

In addition to this, it appears that the investigation is almost completed. In the circumstances, though learned Additional Public Prosecutor and Ms. Kshirsagar, learned counsel for the victim, are strongly opposing the application, I am inclined to grant bail to the applicant. 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. 0366 of 2022 registered with Police Station Bhadrawati, Dist. Chandrapur for the offence punishable under Sections 376(2), 376(2)(b), 376(2)(c), 376(2)(k), 376(2)(1), 376(2)(n), 376(2)(f), 376(3), 376-C, 506 of Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual

Offences Act, 2012 and Section 75 of Juvenile Justice (Care & Protection) Act, 2015, 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. Fees of the learned counsel Ms. Akasaya Kshirsagar, be quantified as per the Rules.

[ANIL S. KILOR, J.]

SACHINDANAND
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