

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Criminal Application (BA) No. 553 of 2023

[Ravindra S/o Ratan Bhilavekar ..vs.. State of Maharashtra, through P.S.O., P.S., Dharni, Tq. Dharni,,
Dist. Amravati]

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

Court's or Judge's orders

Mr. V. S. Giramkar, Advocate for the applicant
Mr. M. J. Khan, APP for the State/non-applicant no. 1
Ms. Mohini Sharma, Advocate for non-applicant 2 (appointed)

CORAM : URMILA JOSHI PHALKE J.

DATE : 11-08-2023

Present application is for grant of bail under Section 439 of the Code of Criminal Procedure in connection with Crime No. 614/2022 registered under Sections 376, 376(3) and 506 of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act. The applicant is arrested on 4-12-2022 and since then he is in jail.

2. The accusation against the present applicant is on the basis of report lodged by the victim girl, who is aged 15 years of age. She has alleged that at about 11.30 a.m. on 4-12-2022, when she was proceeding near from the farm of the applicant, the applicant called her at his farm and asked her to help him in lifting the wooden sticks. To assist the applicant, she entered in the field of the

applicant and helped him in lifting the wooden sticks. Thereafter, she seeks permission from the applicant. However, the applicant grabbed her hand and pushed her. As a result of which, she fell down on the floor and by disrobing her, she was subjected for forcible sexual assault.

3. On the basis of report, police have registered the crime against the present applicant.

4. As per the contention of the present applicant, he is falsely implicated in the offence. No such incident has taken place. Merely because there was small quarrel between him and the family of the informant, he is falsely implicated. Now the investigation is completed. Charge-sheet is filed. His further custody is not required. No purpose will be served by keeping him behind the bars.

5. Said application is strongly opposed by the State on the ground that 15 years girl is subjected for forcible sexual assault by the present applicant who is the grown-up man. The victim had assisted the present applicant in his work of lifting wooden sticks but present applicant is betrayed her trust and subjected her to sexual assault.

The allegations are substantiated by the medical report. Considering the *prima facie* material against the present applicant, bail application deserves to be rejected.

6. Heard the learned counsel for the applicant. He submitted that considering the fact that investigation is completed and charge-sheet is filed, no purpose will be served by keeping the applicant behind the bars. He be released on bail.

7. Whereas learned Additional Public Prosecutor and learned appointed counsel for respondent no. 2 submitted that if the applicant – accused is released on bail, he will tamper the prosecution evidence. Moreover, offence is of grievous nature. Now, charge-sheet is already filed. Trial can be commenced at any time. In view of that, the application deserves to be rejected.

8. Having heard both sides and on perusal of investigation papers, it reveals that victim was called by the present applicant to assist him in lifting the wooden sticks. She has assisted him and present applicant, by taking disadvantage of her loneliness, subjected her for forcible sexual assault in his agricultural field. The spot panchanama also substantiated the contentions of the

victim as far as spot of incident is concerned. The medical report is also there which shows that victim was subjected to sexual assault. Now, investigation is completed. Charge-sheet is already filed. Trial can be commenced at any stage. Considering the nature of offence, small girl of 15 years was subjected for sexual assault, the application deserves to be rejected. In view of that, I proceed to pass the following order.

- (i) The application is hereby rejected.
- (ii) The fees of the learned counsel appointed for respondent no. 2 be quantified as per rules.

JUDGE

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