



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

CRIMINAL APPLICATION (BA) NO. 733/2023

Ankit @ Prajwal Hiralal Patil

Vs

State Of Maha. Thr. PSO MIDC, Dist. Nagpur And Another.

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

Court's or Judge's Order

Mr. N.R.Wasnik, counsel for the applicant.

Mrs. Sneha Dhote, APP for the non-applicant No.1/State.

Mr. A.N.Darunde, counsel h/f Ms. M.A. Sharma, (appointed) counsel for the non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 28/11/2023.

1. The present application is filed under Section 439 of the Code of Criminal Procedure by the applicant for the grant of bail in connection with Crime No.442/2023 registered with Police Station, MIDC, District Nagpur for the offences punishable under Sections 366-A, 376. 376(2), (j), 376(3), 506 of the Indian Penal Code and Sections 3,4,8 of the Protection of Children from Sexual Offences Act, 2012 (POSCO).

2. The applicant is arrested on 14/05/2023. As per the allegations, the victim who is aged about 13 years, taking education in 7th Standard. On 12/05/2023, the victim left the house and not return for some time. Therefore, her parents made an inquiry,

and the victim returned at about 8.15 p.m. On 13/05/2023, when the informant returned home, the victim disclosed to him that she is having abdominal pain. On inquiry, she disclosed the incident that she got acquaintance with the present applicant and the present applicant has subjected her to sexual assault by expressing his love feelings to her. On the basis of said report, Police have registered the crime against the present applicant.

3. It is submitted by the learned counsel for the applicant that, the applicant is only 20 years of age, and is not at all connected with the alleged offence. He further submitted that now the investigation is completed and charge-sheet is filed, if the applicant is put behind bars, his entire career will ruin. He further submitted that merely on suspension, he is implicated in the alleged offence. Considering the same, he be released on bail.

4. Learned APP and learned counsel for the victim vehemently submitted that the victim is only 13 years of age, and her consent is not relevant. The present applicant subjected her for sexual assault which is supported by the medical certificate, if the applicant/accused is released on bail, he shall tamper with the

prosecution evidence and prays for rejection of the application.

5. Having heard learned counsel for the applicant, learned APP and learned counsel for the informant. Perused the investigation papers.

6. From recitals of the FIR, it reveals that the victim is only 13 years of age and studying in 7th Standard. The statement of the victim is recorded during the investigation, from which it reflects that she got acquaintance with the present applicant through her friend. The present applicant expressed her feelings and subjected her for sexual assault. She was referred for a medical examination. During the medical examination, it reveals that she had sustained injury i.e. laceration over the fourchette and hymenal tear at 6'O Clock position. The injuries are noted as fresh injury.

7. Though the investigation is completed and charge-sheet is filed, however, considering that the victim is only 13 years of age and was subjected for sexual assault by the present applicant, even though it is assumed that the victim at her own, went along with the accused, her consent is not relevant. In my considered opinion, prima-facie case is made out

against the present applicant. Hence, I am not inclined to allow the present application. Accordingly, I pass the following order.

- a] The Criminal application is rejected.
- b] Considering the applicant is a young boy of 20 years, the learned Trial Court to expedite the trial and dispose of the matter at the earliest.
- c] Liberty is granted to the applicant to move to this Court if there is no progress in the trial within six months.

Criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J]