



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

CRIMINAL APPLICATION (BA) NO.950 OF 2023

(Raja alias Raju s/o Vishnu Raut Vs. State of Maharashtra and anr.)

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

Court's or Judge's Order

Mr. Pravin J. Pandey, Advocate for the applicant.
Ms Kavimandan, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- DECEMBER 20, 2023.

Heard.

2. By this application, the applicant is seeking bail under Section 439 of the Code of Criminal Procedure in connection with Crime No.186/2023, registered with Police Station Chandur Railway, District Amravati for the offence punishable under Sections 354, 354-A(2), 384 and 376 of the Indian Penal Code and Sections 3, 4, 7 and 8 of the Protection of Children from Sexual Offences Act, 2012.

3. The applicant is arrested on 19/04/2023. Since then he is behind bar.

4. The accusation against the present applicant is on the basis of report lodged by the victim girl who is aged about 17 years and studying in 11th standard. As per her allegation, on 12/03/2023 she has attended the engagement program of her cousin sister wherein the present applicant has seen her. On 15/03/2023 when she was standing along with her friend Aditya Bansod, present

applicant came there and enquired with her regarding the relationship between her and the Aditya and asked them to sit in the autorickshaw. He took them at some distance in the autorickshaw and asked them to remove their pant and obtained their photographs. She further alleged that after the alleged incident on 11/04/2023 present applicant along with his friend came near her college and thereafter near her tuition class and took her and subjected her for sexual assault by taking her in the agricultural field. On the basis of said report, police have registered the crime. After registration of the crime, victim was referred for the medical examination. The present applicant is arrested.

5. Learned Counsel for the applicant submitted that with the false allegation, this report is filed against the present applicant, in fact, no such incident has occurred. Now, investigation is completed and charge-sheet is filed. He further submitted that in the FIR victim nowhere stated that she was taken by the present applicant by pointing the knife whereas before the Medical Officer while narrating the history she has stated that knife was shown to him. He further submitted that statements of the various witnesses and the statement of the victim are contradictory in nature. Considering the same and the investigation is completed, the application be released on bail.

6. Said application is strongly opposed by the State on the ground that there is a *prima facie* case against the present applicant. The allegation levelled by the victim is supported by the medical certificate which shows that during her medical examination, injury was found on her fourchette. Thus, *prima facie* case is made out against the present applicant. In view of that the application deserves to be rejected.

7. After hearing both the sides and on perusal of the investigation papers it reveals that the applicant has not only obtained the photographs of victim and her friend by disrobing them but subsequently on 11/04/2023 he took her at some place and subjected her for sexual assault. She has lodged the report immediately on 16/04/2023. She was medically examined. During her medical examination, the injury was found on her genital part i.e. on her fourchette. The history narrated by her before the Medical Officer, the recitals of the FIR and the injury sustained by her supports the allegations levelled by her. Considering the *prima facie* case against the present applicant and the nature in which the alleged incident has taken place, the application deserves to be rejected.

8. The application is rejected accordingly.

(URMILA JOSHI-PHALKE, J.)