



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

CRIMINAL APPLICATION (APPP) NO. 664 OF 2024
IN
CRIMINAL APPLICATION (BA) NO. 372 OF 2024

Mr. Ritesh s/o Ramesh Sangole V/s State of Maharashtra 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. R.R.Vyas, counsel for the applicant.

Mr. Nitin Autkar, APP for the non-applicant/State.

Ms. Radha M. Mishra, counsel (appointed) for the non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 03/05/2024.

1. For the reasons stated in the application, application is allowed.
2. The applicant is permitted to amend the cause title of the criminal application (BA) No. 372/2024. The amendment be carried out forthwith.
3. The application is disposed of accordingly.

CRIMINAL APPLICATION (BA) NO. 372 OF 2024

1 The applicant came to be arrested on 01/01/2024, in connection with Crime No. 244 /2023 registered with Police Station Kurkheda, District Gadchiroli for the offence punishable under Sections 376, 376(2)(n)(j), 363, 342, 506 read with Section 34 of the Indian Penal Code, 1860 and

Sections 4, 6, 8, 12 and 17 of the Protection of Children from Sexual Offences Act, 2012.

2. As per the allegation, the victim was aged about 16 years and 9 months and was having acquaintance with the co-accused. There was a love affair between them, and due to that love affair, she eloped with the co-accused, and thereafter taken the shelter at the house of the present applicant. On the basis of the said allegation, the present applicant is arraigned as an accused.

3. Learned counsel for the applicant submitted that as far as the allegation against the present applicant is concerned, he has subjected her for sexual assault. The only allegation against him is that they both came at the house of the present applicant, and the present applicant has given shelter to them. Now, the investigation is already completed and charge-sheet is already filed and further incarceration of the present applicant is not required.

4. Learned APP and learned appointed counsel strongly opposed the said application but fairly admitted the role of the present applicant is only to the extent that the victim and the co-accused stayed at the house of the present applicant.

5. Considering the investigation is completed and limited role of the applicant, the co-accused and the victim took shelter at his house, his further incarceration is not

required. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

- a) The criminal application is allowed.
- b) The applicant – **Ritesh s/o Ramesh Sangole**, shall be released on bail, in connection with Crime No. 244 /2023 registered with Police Station Kurkheda, District Gadchiroli for the offence punishable under Sections 376, 376(2)(n)(j), 363, 342, 506 read with Section 34 of the Indian Penal Code, 1860 and Sections 4, 6, 8, 12 and 17 of the Protection of Children from Sexual Offences Act, 2012, on executing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- c) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.
- d) The fees of the appointed counsel be quantified as per the Rule.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]