



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

CRIMINAL APPLICATION (BA) NO.646 OF 2024

(Gaurav s/o Bharat Rane 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. PR. Agrawal, Advocate for the applicant.
Mr. S.S. Hulke, APP for the State.
Ms C.S. Bhute, Advocate (appointed) for non-applicant No.2.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- AUGUST 9, 2024.

By this application, the applicant is seeking bail as he was arrested on 29/06/2023 in connection with Crime No.421/2023 registered with Police Station Daryapur, District Amravati for the offence punishable under Sections 376(3), 376(2)(f) and 506 of the Indian Penal Code and Sections 5(p) and 6 of the Protection of Children from Sexual Offences Act, 2012.

2. The crime was registered on the basis of report lodged by the victim girl aged about 15 years on an allegation that when she was alone in the house on 28/06/2023 the present applicant who is her cousin came to her house and subjected her for forceful sexual assault by disrobing her. On the basis of said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that now the trial is commenced and during the trial both the witnesses that is the victim and her mother have not

supported the prosecution case and she has only stated that there was only quarrel and nothing was happened between her and the present applicant. Though trial is not concluded but considering the nature of the evidence which is adduced by the prosecution witnesses, further incarceration of the applicant is not required and prays for releasing the applicant on bail.

4. Learned APP and learned Counsel for non-applicant No.2 strongly opposed the application on the ground that though the victim has not supported the prosecution case but the circumstantial evidence is collected by the Investigating Officer. In view of that, the application deserves to be rejected.

5. I have heard learned Counsel for both the parties. Perused the investigation papers from which it reveals that the depositions of the victim and her mother are already recorded. They have not supported the prosecution case even they have not supported to the extent that the present applicant entered in the house on the day of incident. The medical report also not substantiates the allegations. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

(i) The application is allowed.

(ii) The applicant – Gaurav s/o Bharat Rane in connection with Crime No.421/2023

registered with Police Station Daryapur, District Amravati for the offence punishable under Sections 376 (3), 376(2)(f) and 506 of the Indian Penal Code and Sections 5(p) and 6 of the Protection of Children from Sexual Offences Act, 2012, be released on bail on executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case and shall not tamper the prosecution evidence.

(iv) The applicant shall attend the proceedings before the Special Court without seeking any exemption unless there are exceptional circumstances.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*