



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

CRIMINAL APPLICATION (BA) NO.807 OF 2024

(Raja 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. S.D. Chopde, Advocate for the applicant.
Mr. S.V. Narale, APP for the State.
Ms K. Deshpande, Advocate (appointed) for non-applicant No.2.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- NOVEMBER 21, 2024.

Heard.

2. By this application, the applicant is seeking bail as he came to be arrested on 19/04/2023 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 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 other co-accused asked her to sit in the autorickshaw. He took them at some distance in the autorickshaw and asked

them to remove their cloths 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 and the applicant is arrested.

4. 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 the applicant is behind bar since one and half year and there is no progress in the trial. Considering the same, the applicant be released on bail.

5. Learned APP and learned Counsel for the victim strongly opposed the application 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. It is further submitted that there is no change in circumstance as earlier bail application is rejected by this Court on merits after filing of the

charge-sheet.

6. 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. This fact is substantiated by the medical certificate as 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. The another ground raised by the applicant is that there is a delay in trial as the applicant is behind bar since the date of his arrest. Admittedly, the applicant is behind bar from one and half year but considering the pendency before the trial Court and the old case of pending, it cannot be said that there is a delay in trial; however, the directions can be given to the Special Court to expedite the trial. In view of that, the application deserves to be rejected.

7. The application is rejected accordingly.

8. The Special Court shall expedite the trial and shall make every endeavour to dispose of the trial at the earliest.

9. Inform the trial Court accordingly.

10. The fees of the appointed Counsel be quantified as per rules.

(URMILA JOSHI-PHALKE, J.)