

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

Criminal Application (BA) No. 442 of 2015

(Shubhamsingh Sanjaysingh Thakur Vs. The State of Mah. through P.S.O.,
P.S., Civil Line, Distt. Akola)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders

Court's or Judge's order

Shri S. V. Sirpurkar, Advocate for the applicant
Mrs. S. S. Jachak, APP for the State

CORAM : P. B. VARALE, J.

DATE : 28-7-2015.

Heard learned counsel Shri Sirpurkar for the applicant and learned Additional Public Prosecutor Mrs. Jachak for the State.

The applicant is before this Court seeking his enlargement on bail in connection with Crime No. 231/2015 registered at Police Station Civil Line, Akola for the offences punishable under Sections 354 and 506 of the Indian Penal Code and Sections 10 and 11 of the Protection of Children from Sexual Offences Act.

Perused the report and the material placed on record. The report alleges that the acquaintance of the victim and the applicant on social media resulted in a close friendship. It further states that the applicant made an attempt to act beyond the limits of friendship which was opposed by the victim. The allegation reflected in the report is that the applicant wanted the victim to continue with friendship and on the day of the incident, he was insisting the victim to

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have a talk with him and accompany him. With this insistence, the applicant held the hands of the victim and the victim resisted the act of the applicant. The documents placed on record namely, transcript of the messages and its exchange between the victim and the applicant show that they were in close friendship. Certain photographs are also placed on record. Though it is not necessary to refer to these photographs, it would be suffice to say that the allegations are that the applicant wanted the victim to continue with friendship. The applicant while insisting the victim to accompany and to talk with him, caught hold the hands of the victim. There are no serious allegations against the applicant of misbehaving with the victim or exploiting the victim physically. Learned counsel Shri Sirpurkar for the applicant submits that the applicant is a young boy, prosecuting his studies in 12th Standard. There is considerable merit in the submission of the learned counsel that indefinite period of detention of the applicant in custody would prejudice his academic career. Submission of Shri Sirpurkar is that instead of prohibiting the applicant from prosecuting his academic career, if the applicant is enlarged on bail with conditions, the applicant can prosecute his studies and would face the trial. As per the instructions, learned counsel for the applicant submits that the cell phone of the applicant is seized by the investigating agency.

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Learned Additional Public Prosecutor opposes the application.

Considering the material on the record and considering the submissions of learned counsel for the applicant, in my opinion, learned counsel has made out the case for grant of bail. The apprehension of the State can be taken care of by imposing conditions. The learned counsel for the applicant submits that applicant would reside at Khamgaon. In the result, the application is allowed.

The applicant be released on bail on furnishing P.R. bond of Rs.25,000/- (Rupees Twenty Five Thousand only) with one solvent surety in the like amount, on the following conditions.

- a] The applicant to cooperate with the investigating agency and to attend the Khamgaon City Police Station on every 1st and 3rd Sunday between 9.00 a.m. to 12.00 noon till commencement of the trial.
- b] The applicant shall not enter Akola City and shall not make any attempt to establish contact with the victim by any means.
- c] The applicant to attend Akola City only for the purposes of the trial.
- d] The applicant shall not tamper with the prosecution evidence nor commit any act such as contacting the prosecution witnesses or pressurize them.

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In case of breach of these conditions, the prosecution agency to take necessary steps in accordance with the provisions of law.

JUDGE

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