

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

Criminal Application (BA) No. 483 of 2015

(Nilesh Ramesh Barethiya Vs. The State of Maharashtra through P.S.O.,
Akot(City), Tal. Akot, Dist. Akola)

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

Court's or Judge's order

Shri Rahul Dhande, Advocate for applicant
Shri V. A. Thakare, APP for the State/non-applicant

CORAM : V. M. DESHPANDE, J.

DATE : 20-8-2015.

This is an application for regular bail. The applicant is arrested on 1-7-2015 in connection with Crime No. 97/2015 registered at Police Station Akot (City) for the offences punishable under Sections 354 of the Indian Penal Code and Section 12 of the Protection of Children from Sexual Offences Act.

Heard Shri Rahul Dhande, learned counsel for the applicant and Shri Vinod Thakare, learned Additional Public Prosecutor for the State.

The application is strongly opposed by the learned Additional Public Prosecutor on the ground that the charge-sheet is not filed by the Investigating Officer.

The First Information Report (FIR) is lodged

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by Sau. Sangita Jaiswal. According to the FIR, one unknown person came in front of her house and shown obscene gestures and also asked her daughter as to whether she will marry with him. The applicant was arrested.

Though the charge-sheet is not filed, after having perused the investigation papers, it is clear that the investigation is almost over and only formality of filing of charge-sheet is remained to be done. Looking to the nature of offence, further further custodial presence of the applicant is not warranted and he can be released on bail on imposing certain conditions. Hence, I pass the following order.

ORDER

- (i) The application is allowed.
- (ii) The applicant Nilesh Ramesh Barethiya be released on bail on executing P.R. bond in the sum of Rs. 25,000/- with two solvent sureties in like amount in connection with Crime No. 97/2015 registered at Police Station Akot (City), Tal. Akot, District Akola for the offences punishable under Sections 354 of the

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Indian Penal Code and Section 12 of the Protection of Children from Sexual Offences Act

(iii) Bail before the trial Court.

(iv) The applicant shall not enter the territorial jurisdiction of Akot City till the charge-sheet is filed by the Investigating Officer.

(v) The applicant, on his release from Jail within a period of 3 days, shall intimate the address of his residence to the Investigating Officer and also shall give his cell number and for furnishing this information to the Investigating Officer, the applicant can enter the Akot City.

With these observations, the application is disposed of.

JUDGE

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