

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.2487/2016

IN CRIMINAL APPEAL NO.296/2016

VILAS S/O. HARICHANDRA MAHER
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant/Appellant: Mr. Rupesh Jaiswal
holding for Mr. Ghanekar Nilesh S.

APP for Respondent State: Mr. P.N. Kutty

CORAM : A.I.S. CHEEMA, J.

DATE : 04th May, 2016

ORDER:

1. Heard Advocate Mr. Rupesh Jaiswal holding for Mr. Nilesh Ghanekar, for the applicant.

2. In this matter, the applicant-original accused is seeking bail. It is stated by the learned counsel that the applicant-accused has good case on merit. It is stated that applicant-accused was on bail when the matter was pending in the trial court and there is nothing to show that he had misused the liberty. The counsel states that the applicant-accused is ready to abide by any condition which the Court may impose.

3. Learned APP opposes the application.

4. Considering the facts of the case where minor

girl was being harassed, attracting provisions of Section 354 of the Indian Penal Code and provisions of Section 11(i) read with 12 of the Protection of Children from Sexual Offence Act, it would be necessary to ensure that the applicant-original accused, who is convicted, should not again harass the victim neither make her life uncomfortable by all the time appearing before her wherever she goes. The counsel states that the applicant- accused is ready not to enter the area of Taluka Gangapur during pendency of Appeal. It is stated that victim is already married. The counsel states that he does not have instruction as to in which village and Taluka the victim after marriage is residing.

5. In the result, following order is passed:

- A) During pendency of the appeal, substantive sentence of imprisonment only as passed against the applicant-original accused is suspended subject to applicant furnishing Personal Release Bond and Security Bond of Rs.25,000/- (Rupees twenty five thousand) before the trial Court.
- B) The trial court, while releasing the applicant-accused on bail, shall add condition of the

accused marking presence in the trial court every three months, till disposal of the Criminal Appeal. The trial court shall yearly send report in January of marking presence by accused in this regard to this Court till disposal of the appeal.

- C) The trial court shall further add condition in Bonds that the applicant-original accused shall not enter Gangapur Taluka during the pendency of the appeal. This condition shall be informed to the local police and in case the police informs the Court entry of the applicant in the Taluka, the trial court shall take suitable action regarding forfeiture of the bail bond.

6. The applicant-original accused shall, on the next date, file affidavit in this court regarding village and Taluka where the victim girl, after marriage, has gone to reside and give undertaking to this court that he would not enter that village and Taluka concerned. List the matter on 20.06.2016.

(A.I.S. CHEEMA, J.)

JPC