

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

Criminal Application No. 5630 of 2016

District : Jalgaon

Arif Yusuf Khatik,
Age : 25 years,
Occupation : Labour,
R/o. Sakare,
Taluka : Dharangaon,
District : Jalgaon.

.. Applicant.

versus

The State of Maharashtra,
Through Police Inspector,
Police Station, Dharangaon,
Taluka : Dharangaon,
District : Jalgaon.

.. Respondent.

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*Mr. Vinod S. Khairnar (Patil), Advocate, for
the applicant.*

*Mr. S.D. Ghayal, Addl. Public Prosecutor, for
the respondent.*

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CORAM : A.M. BADAR, J.

DATE : 26TH OCTOBER 2016

ORAL ORDER:

The applicant / accused in Crime No. 123/2016 registered with Dharangaon Police Station, Taluka Dharangaon, District Jalgaon, for offences punishable under Sections 452, 354A(1) of the Indian

Penal Code and under Section 8 of the Protection of Children From Sexual Offences Act, 2012, by this application, is seeking his release on bail.

2. The learned Counsel appearing for the applicant / accused argued that the applicant is behind the bar for a period of one and half months and he is ready for condition prohibiting him from entering in the village where the incident allegedly took place.

3. The learned Addl. Public Prosecutor opposed the application by contending that the medical evidence supports the prosecution case and there is representation of several villagers making allegations that the applicant is in habit of outraging modesty of women in the village but those women are not approaching Police because of fear of damage to their honour.

4. I have perused the FIR lodged by the prosecutrix as well as papers of investigation. The prosecutrix alleged that when she was alone in the house, the applicant came behind her and pressed her breast by saying whether she likes him.

5. Papers of investigation shows that substantial part of investigation is already over and the applicant is behind the bar for considerable

period. The learned Counsel appearing for the applicant / accused has made a statement that the applicant will not enter in the village where the incident occurred, during pendency of the trial against him and this takes care of apprehension of villagers. Therefore, I see no reason to refuse bail to the applicant.

6. Hence, I pass the following order :-

(a) The Application is allowed.

(b) The applicant / accused, in the above crime, be released on bail on his executing P.R. Bond in the sum of Rs. 15,000/- and on furnishing one or more solvent sureties of the like amount.

(c) As conditions of this order, the applicant shall abide by the following directives :-

(i) The applicant / accused shall not enter into territorial limits of **village Sakare** in Dharangaon Taluka of Jalgaon District, till disposal of the trial, if any, against him.

(ii) The applicant shall not, directly or indirectly, make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade them

from disclosing such facts either to the Court or to any police officer.

(iii) The applicant shall not tamper with the prosecution evidence in any manner.

(iv) The applicant shall cooperate the learned trial Judge in expeditious disposal of trial, in the event of filing charge-sheet, if any, against him.

(v) The applicant shall not repeat commission of similar type of offences in future.

(d) The Application stands disposed of in the above terms.

(A.M. BADAR)
JUDGE

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