

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

**CRIMINAL APPLICATION (BA) 27 OF 2016**

*(Pramod Haribhau Zod Vs. The State of Maharashtra)*

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

Court's or Judge's orders

Mr. R. M. Daga, Advocate for the applicant.  
Mr. A. K. Bangadkar, A.P.P. for the State.

**CORAM : S. B. SHUKRE, J.**  
**DATED : 23 JUNE, 2016**

Heard.

Learned A.P.P. for the State submits that the person called “Appa” by the child victim is the same person as the accused in reply to the argument of the learned Counsel for the applicant that the accused is not the same person whom the child victim is calling “Appa”. However, there is no material collected by the Investigating Officer and nothing has been brought to my notice by the learned A.P.P. disclosing that “Appa” is also another name of the applicant and that he is the same person to whom the child victim is calling “Appa”.

The statement of the child victim has been recorded in the presence of members of the Child Welfare Committee. Unfortunately, the statement does not provide any clue to find that “Appa” is same person as the accused, whose name is Pramod Zod. The Child Welfare Committee could have put a specific question to the child victim as to

whom she was referring as “Appa”. That has not been done in this case and, therefore, a doubt has been created about the identity of the accused.

The learned A.P.P. submits that during the course of trial also, there would be an opportunity available to the child victim to identify the accused.

There is no dispute about the proposition. However, the fact remains that at this stage, the doubt remains there and one does not know what will happen in the trial. Therefore, I am of the view that the applicant is entitled to be released on bail. Hence, the order.

The application is allowed.

It is directed that the applicant be released on bail on his furnishing a P. R. Bond in the sum of Rs.25,000/- together with one solvent surety in the like amount on the conditions that the applicant shall regularly attend the Court on the dates fixed in the matter, shall not tamper with the prosecution witnesses and shall continue to reside at Sharma Layout, Kalamb as mentioned in paragraph-13 of the application till the prosecution is over and shall furnish his contact number to the concerned police station within one week from his release.

**JUDGE**