

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

CRIMINAL APPLICATION (BA) NO.279/2016

Chetan s/o Bandu Tarare

..Versus..

The State of Maharashtra, through Police Station Officer, Police Station, Pachpaoli,
Nagpur

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

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATE : 6.5.2016

Heard Shri S.V. Sirpurkar, advocate for the applicant and
Shri N.S. Khubalkar, A.P.P. for the non-applicant.

The applicant is arrested on 22nd December, 2015 in crime
registered against him and two others for the offences punishable
under Sections 376(2)(I)(J)(N) and 506 of the Indian Penal Code
and Sections 5(J)(2)(L) and 6 of the Protection of Children from
Sexual Offences Act, 2012.

According to the prosecution, the victim is sexually exploited
by Satish Mohadikar, Kailash Nikhare (father of the victim) and the
present applicant. Initially, the victim had named Satish Mohadikar
as the accused. On medical investigation, the non-applicant found
that Kailash Nikhare (father of the victim) is the biological father of
the child delivered by the victim and in further investigation the
victim has named Kailash Nikhare and the present applicant.

The investigation is complete. The charge-sheet is filed.
The non-applicant has not been able to show that the custody of
applicant is required for further investigation. In my view, the
applicant is entitled to be released on bail, however, on certain

conditions:

Hence, the following order:

- (i) The applicant having been arrested in Crime No.238/2015 registered by the non-applicant, he be released on bail on furnishing P.R. bond for Rs.25,000/- (Rs. Twenty Five Thousand Only) and two solvent sureties in the like amount.
- (ii) The applicant undertakes that he will not enter the area where the victim resides and will reside at Godhani.
- (iii) The applicant shall give his address at Godhani and cell phone number to the Investigating Officer.
- (iv) The applicant shall regularly attend the sessions trial, unless granted exemption by the Special Court.
- (v) The application is **allowed** in the above terms.

JUDGE

Tambaskar.