

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [BA] No. 868 of 2015
[Ashwin @ Bunty Narendra Chavhan Vs. State of Mah.]

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

Court's or Judge's orders

Mr. Y. B. Mandpe, Adv., for the Applicant.
Mr. Dhumale, APP for respondent.

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CORAM : A. B. CHAUDHARI, J.

DATE : 15th January, 2016

Heard learned counsel for the rival parties.

In Crime No. 58/2015 registered with police Station, Gittikhadan, Nagpur, for the offences punishable under Section 376 (2), Indian Penal Code, read with Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012, the applicant was arrested and is in jail from 7th February, 2015, on the allegation that he committed rape on a mentally retarded girl, aged about twelve years. Obviously, the offence is serious, that too qua the mentally challenged girl.

But then, the applicant was arrested on 7th February, 2015. Charge-sheet has also been filed after completion of investigation. The applicant's further detention is, thus, unnecessary. But then care will have to be taken about the applicant trying to tamper with the prosecution evidence or influence the prosecution case. Mr. Mandpe, learned counsel for the applicant, submits that the applicant would not enter Nagpur city till the trial is over and that he would not apply for modification of this order till the trial is completed. The statement is accepted. Hence the following order:-

ORDER

- [a]** Criminal Application [BA] No. 868 of 2015 is allowed.
- [b]** Applicant shall be released on bail upon furnishing a Personal Bond in a sum of Rs. 25,000/- [rupees twenty-five thousand only] with one surety in the like amount.
- [c]** The applicant shall not enter the limits of Nagpuri city till the trial is over, except on the dates of his attendance before the Trial Court.
- [d]** Applicant shall inform the concerned Police Station where he would reside and the police shall keep surveillance on the

applicant for compliance of this order.

[e] The applicant shall not threaten, pressurize or influence the prosecution witnesses or tamper with the prosecution evidence. Any such act on the part of the applicant shall lead to recall of this order.

Judge

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