

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

CRIMINAL APPLICATION (BA) NO.81 OF 2017

Bhaskar s/o Wamanrao Yerokar

..VS..

State of Maharashtra, through Police Station Officer, Police Station Barshitakli,
Taluka Barshitakli, District Akola

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

Court's or Judge's Order

Shri Tejas Kene, Counsel for the applicant.
Shri Nikhil Joshi, Addl.P.P. for the non-applicant/State.

CORAM : P.N. DESHMUKH, J.

DATED : MARCH 1, 2017.

This is an application by accused involved in Crime No.318 of 2016 registered for the offences punishable under Section 354-A of the Indian Penal Code read with Sections 9(F), and 10 of the Protection of Children from Sexual Offences Act, 2012 and Section 3(2)(v)(a) of the Prevention of Atrocities Act, 1989.

Learned counsel for the applicant has submitted that applicant is falsely involved and is stated to be suspended from his service where he was working as a Teacher in school where prosecutrix at the time of incident was studying in 8th Std.. It is submitted that considering punishment prescribed to the offences registered against applicant, he be released on bail as investigation is complete.

Learned Additional Public Prosecutor opposed the application as per its reply on record and has contended that there is direct evidence of prosecutrix who is admittedly minor to whom applicant had extended physical contact and advances involving unwelcome and explicit sexual overtures and has thus submitted that if applicant is released on bail, there is every possibility of his tampering with victim who is a minor girl.

In the background of submissions advanced as aforesaid, perusal of report reveals that it is lodged after two days of the incident by victim alleging that applicant who is working as a Teacher in her School where she was studying in 8th Std, on 22.12.2016 in the recess asked her to meet him at some place wherever he would call her saying that she looks beautiful and extended threats to prosecutrix not to inform about said fact to anyone. Statement of Puja corroborates above contents of report who at the material time was accompanying minor prosecutrix.

In view of contents of report as aforesaid, offence punishable under Section 354-A(i) of the Indian Penal Code is registered against applicant along with Sections 9(F) and 10 of the Protection of Children from Sexual Offences Act, 2012 and Section 3(2)(v)(a) of the Prevention of Atrocities Act, 1989. The punishment prescribed for the offence under Section 354-A is,

imprisonment of either description for a term which may extend to one year or fine or both, while punishment prescribed for the offence of aggravated sexual assault under Section 10 of the Protection of Children from Sexual Offences Act is, imprisonment of description for a term which shall not be less than five years and which may extend to seven years and fine.

Considering case of prosecution as aforesaid and punishment prescribed for the offences as mentioned above, as investigation is complete, application is liable to be allowed by imposing suitable conditions upon applicant as it is stated at bar that applicant after this incident is suspended from his service that is from Natthuji Kakad Vidyalaya, Punoti Khurd, Taluka Barshitakli, District Akola, hence the following order:

Applicant shall be released on bail on his executing P.R. Bond in the sum of Rs.25,000/- with one surety in the like amount.

On being released on bail, applicant shall not enter within the territorial jurisdiction of village Khirpuri Bk., Taluka Balapur, District Akola, pending Trial and shall not make any attempt to contact prosecutrix or to pressurize her in any manner or to tamper with prosecution witnesses.

While on bail, applicant shall mark his presence with Barshitakli Police Station, Taluka

Barshitakli, District Akola once in three months on the first day of each such month, pending Trial.

Criminal application stands disposed of accordingly.

JUDGE

!! BRW !!

C E R T I F I C A T E

I certify that this Order/Judgment uploaded is a true and correct copy of original signed Order.

Uploaded by : Bhushan R.Wankhede.
(Personal Assistant)

Uploaded on :- 3/3/2017