

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

CRIMINAL APPLICATION (BA) NO.744 OF 2017

(Roshan S/o Shatrughan Patil .vs..State of Maharashtra, through PSO.PS.Kharangna,District-Wardha)

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

Court's or Judge's orders.

Shri M.V.Rai, Advocate for applicant.

Shri J.Y.Ghurde, A.P.P. for State-non-applicant.

CORAM : V.M. DESHPANDE, J.

DATED : AUGUST 8 , 2017

By present application, the applicant is seeking bail who is arrested in connection with Crime No.19/2017, registered with P.S.Kharangna,District-Wardha for the offence punishable under Sections 376(2)(n) of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act,2012.

2] Heard learned counsel for applicant and learned A.P.P. for State-non-applicant.

3] The F.I.R. is lodged by the prosecutrix herself. On the physical relationship between applicant and prosecutrix , prosecutrix has delivered a girl child.

4] The investigation is completed and final report is already presented before the Court.

5] From the chargesheet, it appears that the prosecutrix is minor. The applicant is also of tender age.

6] The applicant is arrested on 25/1/2017 and since then he is in jail.

7] Considering the age of the applicant, in the back drop of facts which can be gathered from the chargesheet, I am of the view that, no fruitful purpose will be served by keeping the applicant in jail since it appears that in near future the trial of the applicant is not likely to commence.

8] The apprehension as expressed by learned A.P.P. about the influencing prosecutrix-girl can be taken care of by imposing conditions on the applicant.

9] The learned A.P.P. submits that the prosecutrix resides with her parents at village Dhurva, therefore conditions can be imposed on the applicant that he should not try to influence the prosecution witnesses. Hence, the order.

ORDER

- I) The application is allowed.
- II) Applicant Roshan S/o Shatrughan Patil be released on bail on his execution of P.R. Bond of Rs. 10,000/- with two solvent sureties of the like amount in connection with Crime No.19/2017, registered at P.S.Kharangana, District-Wardha, for the offence punishable under Sections 376(2)(n) of the Indian Penal Code and Section 4 and 6 of the

Protection of Children from Sexual Offences Act, 2012.

- III) The applicant shall not enter the territorial jurisdiction of P.S.Kharangana and shall not enter village Dhurva till completion of trial.
- IV) The applicant shall stay at Wardha.
- V) The applicant is directed to furnish his address where he will be staying at Wardha to the learned Additional Sessions Judge, before whom the bail bond will be executed.
- VI) The applicant shall not leave the Wardha city.
- VII) The applicant shall daily attend the P.S.Wardha in between 3.00 p.m. to 5.00 p.m. till culmination of the trial.
- VIII) Any breach, if it is observed then prosecution will be at liberty to file an application for cancellation of bail.
- IX) The application is disposed of.

JUDGE