

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

**CRIMINAL APPLICATION (BA) NO. 830 OF 2017**

( Babulal S/o Gyansing Bhada..vs..State of Maharashtra, through  
PSO.PS.Wardha(City),Wardha)

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

Court's or Judge's orders.

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Shri R.R.Vyas, Advocate for applicant.

Shri R.S.Nayak, A.P.P. for State-non-applicant.

**CORAM : V.M. DESHPANDE, J.**  
**DATED : SEPTEMBER 6, 2017**

This is an application for grant of regular bail.

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

The present application is filed since the applicant  
is arrested in connection with Crime No. 8/2017,  
P.S.Wardha(City),Wardha, for the offence punishable under  
Sections 354,354-A of the Indian Penal Code and Section 8 of  
the Protection of Children from Sexual Offences Act,2012.

According to the submissions of learned counsel for  
the applicant the chargesheet is filed and therefore further  
custodial presence is not necessary. Further, it is his  
submission that there is delay in lodging F.I.R. which in his  
submission is fatal to the prosecution.

Merely, because the chargesheet is filed that by  
itself the applicant is not entitled to claim bail. It will be one  
of the factors while considering the bail application. However,  
it is the duty of the Court to see the nature of the accusations  
and also the fact that if applicant is released on bail there is a  
possibility of tampering the prosecution witnesses.

The victim in the present case is real daughter of the present applicant. She was subjected to the sexual assault at the hands of her father who is minor. The contention so far as the delay in lodging the F.I.R. it is always open for the prosecution to explain the delay at appropriate stage. Further if the applicant is released on bail looking to the relations between victim and the applicant the possibility of influencing the mind of child at the hands of applicant cannot be completely ruled out.

The application is rejected.

**JUDGE**

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