

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

**CRIMINAL APPLICATION (BA) NO.905 OF 2017**

Umang s/o Yogesh Shahu, R/o Rail Tolly, Gondia

-vs-

State of Maharashtra, Thr. PSO, PS Gondia City

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

Court's or Judge's Orders.

Shri A. S. Mardikar, Senior Advocate with Shri S. G.  
Joshi, Advocate for applicant.

Shri S. M. Ghodeswar, APP for non-applicant/State.

Shri S. P. Bhandarkar, Advocate to assist the APP.

**CORAM : A.S.CHANDURKAR, J.**

**DATE : November 10, 2017**

**Criminal Application (APPP) No.1765 of 2017**

For reasons stated, the application is allowed in  
terms of its prayer. Application is disposed of.

**Criminal Application (BA) No.905 of 2017**

The applicant who has been arrested on 04/07/2017 in connection with Crime No.363/2017 registered with Gondia City Police Station, Dist. Nagpur for the offence punishable under Sections 354, 354(A),(D), 384, 506 of Indian Penal Code read with Sections 8 and 12 of Protection of Children from Sexual Offence Act seeks his release on bail.

As per report dated 01/07/2017 lodged by one Vijay Gupta, his daughter aged about 17 and half year was studying in school. About two months prior to the lodging of report it is

alleged that the applicant had requested his daughter to have a photograph taken and in that context he had kissed his daughter. Thereafter the applicant started blackmailing her. Out of fear the daughter of the applicant had paid an amount of Rs.50,000/- by depositing the same in his account. After few days as the health of the daughter was affected it was learnt that the present applicant was blackmailing her. On that basis a report came to lodged.

It is submitted on behalf of the applicant that the applicant has been falsely implicated in the offence. Even if it could be said that the applicant was familiar with the daughter of the informant, the allegations made are false. It is submitted that after completion of investigation a charge-sheet has been filed and from the documents placed on record along with the charge-sheet, the report itself is falsified. It is submitted that as per the report an amount of Rs.50,000/- was deposited in the account of the applicant from time to time. However the bank statement for the relevant period does not indicate the same. It is thus submitted that a case is made out for releasing the applicant on bail.

The application is opposed by the learned Additional Public Prosecutor as well as the learned counsel representing the informant. It is submitted that considering the nature of offence, the applicant does not deserve any discretion. The daughter of the informant was a minor when the alleged offence took place. Considering the gravity of the offence and likelihood of the applicant pressurising the witnesses, the

application be rejected.

Perused the report as well as the documents filed along with charge-sheet. As per the report lodged on 01/07/2017 the alleged incident is reported to have taken place about two months prior to its lodging. During pendency of present proceedings, forensic report regarding photograph allegedly taken by the applicant has been received. As per this report, one photograph as alleged is dated 17/06/2017. Perusal of the bank statement of the present applicant which is filed along with the charge-sheet for the period from 01/12/2016 to 07/07/2017 indicates that an amount of Rs.15,000/- has been deposited on two occasions on 13/12/2016 and 22/12/2016. Prima facie, this deposit is much prior to the alleged incident which is stated to have occurred approximately in the month of April-May 2017.

Considering this material on record, I am inclined to exercise discretion in favour of the applicant herein. Moreover charge-sheet has been duly filed in the matter.

Accordingly, the applicant Umang s/o Yogesh Shahu who has been arrested on 04/07/2017 in connection with Crime No.363/2017 registered with Gondia City Police Station, Dist. Nagpur for the offence punishable under Sections 354, 354(A),(D), 384, 506 of Indian Penal Code read with Sections 8 and 12 of Protection of Children from Sexual Offence Act and 395 of the Indian Penal Code is directed to be released on bail on furnishing PR Bond of Rs.25,000/- (Rupees Twenty

Five Thousand) with one surety in the like amount.

The applicant shall co-operate in completion of trial and shall not take any steps to influence the prosecution witnesses.

The observations made in this order are only for deciding this application which is allowed and disposed of.

**JUDGE**