

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [ABA] No.742 of 2017
[Jaising Awaghya Chavan Vs. State of Mah., Arni PS, Distt. Yavatmal]

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

Court's or Judge's orders

Mr. R. J. Shinde, Adv., for the applicant.
 Mr. K. L. Dharmadhikari, APP for non-applicant.

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CORAM : A. S. CHANDURKAR, J.

DATE : 04th December, 2017

The applicant apprehends his arrest in connection with Crime No. 570/2017 registered at Arni Police Station, Distt. Yavatmal, for the offences punishable under Sections 354-A, 354-D, 341, and 294 of Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act, 2012.

As per the report dated 11th September, 2017, the informant has stated that she is aged about fourteen years. On 6th September, 2017, when she and her sister were proceeding towards their school, the applicant is said to have abused her and caught hold of her hand. The informant, however, succeeded in getting away from the applicant. Thereafter, on 10th September, 2017, it is stated that the applicant was again looking at the informant with ill-intention and hence on the next

day, a report came to be lodged.

It is submitted on behalf of the applicant that on account of earlier disputes between two families, the present report has been lodged. There is a dispute with regard to agricultural lands between the two families. There is a considerable delay in lodging present report. The same is by way of an afterthought. The applicant has co-operated with the investigation and hence the protection deserves to be continued.

The application is opposed by the learned Addl. Public Prosecutor by relying upon the reply. It is submitted that statements of the informant and her sister clearly implicate the applicant. There is likelihood of applicant threatening the informant and her family members if he is granted protection.

Perused the police papers.

It can be seen that in the year 2016, proceedings under Section 107 of the Criminal Procedure Code, 1973, were initiated and a bond was taken from the applicant and a member of the other group. The present incident is stated to have occurred on 6th September, 2017. Though a report has been lodged on 11th September, 2017, the statement of the younger sister is recorded on 20th September, 2017. Considering nature of allegations and in the light of earlier disputes between the families,

I find, the applicant can be granted protection subject to imposing appropriate conditions.

Accordingly, in the event of applicant's arrest in connection with Crime No. 570/2017 registered at Arni Police Station, Distt. Yavatmal, for the offences punishable under Sections 354-A, 354-D, 341, and 294 of Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act, 2012, he shall be released on bail on furnishing a Personal Bond of Rs.25,000-00 [rupees twenty-five thousand only] with one surety in the like amount. The applicant shall attend the concerned Police Station on 11th December, 2017 between 11 a.m., and 1.00 p.m.. The applicant shall not take any steps to influence the informant or her family members. If any such instance is reported, the prosecution is free to seek cancellation of his liberty.

The observations made in this order are only for deciding the present pre-arrest bail application, which is allowed and disposed of.

Judge