

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

CRIMINAL APPLICATION (BA) NO.967 OF 2016

Mahadeo S/o Baburao Bhoyar

..VS..

State of Maharashtra, through Police Station Officer, Police Station Tirora, District
Gondia

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

Court's or Judge's Order

Shri T.U. Tathod, counsel for the applicant.
Shri N.B. Jawade, Addl.P.P. for the State.

CORAM : P.N. DESHMUKH, J.
DATED : JANUARY 9, 2017.

Heard.

This is an application for bail by accused involved in Crime No.275 of 2016 registered by Tirora Police Station for the offences punishable under Section 354(D) of the Indian Penal Code with Section 12 of the Protection of Children from Sexual Offences Act, 2012.

Learned counsel for the applicant submits that the applicant is falsely implicated in the crime by father of the victim as prior to the incident there relations were strained and has contended that even otherwise considering the offences levelled against the applicant, maximum punishment which could be imposed is of three years and thus claims to be released

.....2/-

on bail since the investigation is complete and the applicant is in custody since August 2016.

Learned Additional Public Prosecutor Shri N.B. Jawade for the non-applicant/State opposed the application on the ground that there is direct evidence against the applicant of the mother of the victim as well as of eyewitness who at the material time happened to pass from the place of incident. He, therefore, prayed that the application be rejected.

Considering the report, the allegations made against the applicant are that on the day of the incident, applicant under the influence of liquor spoke with complainant's daughter, the victim aged about eleven years and that prior to that day used to call her by gestures in his cycle repairing shop.

Apart from contents of the report as aforesaid, there is no other evidence on record except that of one Mahendra who has stated to have seen one shop keeper working on cycle repairing shop talking to complainant's daughter except for this he has not stated anything.

Considering the nature of evidence available against the applicant and since the offence under Section 354(D) of the Indian Penal Code and Section 12 of the Protection of Children from Sexual Offences Act is

maximum punishable with three years of imprisonment, the application is liable to be allowed by imposing suitable conditions, as per order below:

ORDER

1. 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.

2. Applicant while on bail, shall not reside or stay at village Tirora, District Gondia and shall mark his presence with police station within whose jurisdiction he chooses to reside, pending trial once in three months, on the first day of each such month.

3. Applicant shall submit proof of his residence with Tirora Police Station and also to police station within whose jurisdiction he is residing and shall update the same in the event of change in future.

JUDGE

!! BRW !!

.....4/-

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 :- 10/1/2017

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