

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

CRIMINAL APPLICATION (BA) NO.1105 OF 2017

Umesh s/o Arvind Vijaykar R/o Kandli, Tq. Achalpur, Dist. Amravati

-vs-

State of Maharashtra, Thr. PSO, PS Paratwada, Dist. Amravati

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

Court's or Judge's Orders.

Ms S. Dhawas, Advocate for applicant.

Ms Geeta Tiwari, APP for non-applicant/State.

CORAM : A.S.CHANDURKAR, J.

DATE : November 30, 2017

The applicant who has been arrested on 14/07/2017 in connection with Crime No.384/2017 registered with Police Station Paratwada, Dist. Amravati for the offence punishable under Sections 354, 323 and 504 of the Indian Penal Code as well as Section 8 of the Protection of Children from Sexual Offences Act, 2012 seeks his release on bail.

As per the Report dated 14/07/2017 the informant has stated that while she was in her classroom, the applicant entered the same and had held her hand. He asked her why she had not called him on phone and slapped her on her face. On that basis this report came to be lodged. The applicant was arrested on the same day.

It is submitted on behalf of the applicant that he has been falsely implicated in the crime. The offence under Section 8 of the Protection of Children from Sexual Offences Act, 2012 has not been made out. The charge-sheet has already been filed

and as the investigation is complete, the applicant be released on bail.

The application is opposed by the learned Additional Public Prosecutor by relying upon the reply. It is submitted that statements of the witnesses indicate that the applicant had in fact entered the classroom and the said incident occurred. If released, there is likelihood that applicant would threaten the informant and witnesses.

Perused the charge-sheet. Considering the statements recorded, prima facie on considering the provisions of Section 7 of the Act of 2012 and the act of slapping the informant as alleged, offence under Section 8 of the said Act does not appear to have been made out. The investigation in question is complete and charge-sheet has been filed. By imposing appropriate conditions to prevent influencing of witnesses, the applicant can be released on bail.

Accordingly, the applicant Umesh s/o Arvind Vijaykar who has been arrested on 14/07/2017 in connection with Crime No.384/2017 registered with Police Station Paratwada, Dist. Amravati for the offence punishable under Sections 354, 323 and 504 of the Indian Penal Code as well as Section 8 of the Protection of Children from Sexual Offences Act, 2012, 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 after his release shall not enter the limits of village Kandli, Paratwada till completion of the trial. No steps be taken to influence the prosecution witnesses or the informant.

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

Pending misc. applications are also disposed of.

JUDGE