

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

CRIMINAL APPLICATION (BA) NO.1108/2017

Umesh s/o Dilip Sanghile

..vs..

State of Mah., thr. PSO PS Murtizapur, Taluka Murtizapur, District Akola

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

Court's or Judge's Order

Shri H.M. Mohta, Counsel for the applicant.

Mrs. Geeta Tiwari, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : DECEMBER 12, 2017.

1. Heard learned counsel Shri H.M. Mohta for the applicant and learned Additional Public Prosecutor Mrs. Geeta Tiwari for the State.

2. The applicant is arrested in connection with Crime No.301 of 2016 registered with Police Station Murtizapur, Taluka Murtizapur, District Akola for the offences punishable under Sections 376(2)(1), 354(A), and 506 of the Indian Penal Code read with Sections 4 and 8 of the Protection of Children from Sexual Offences Act, 2012.

3. The investigation is over and the charge-sheet is already filed.

4. According to the prosecution, the present applicant has touched the private part of the girl with his finger

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on 19.11.2016. There is no eyewitness to the incident. Only the victim has given description of her assailant. The first information report is lodged on 1.12.2016 by the mother of the victim. According to the mother of the victim, on 30.11.2016, the father of the victim could notice the present applicant and at that time as per the description given by the victim the report is lodged. Statement of Mohammed Ayyaz is perused. His statement is totally silent as to what search he has taken from 19.11.2016 to 30.11.2016.

5. Looking to this type of evidence, in my view, since the charge-sheet is already filed, further custodial presence of the applicant is not warranted. Consequently, this Court passes the following order:

ORDER

(i) The criminal application is allowed.

(ii) Applicant Umesh s/o Dilip Sanghile be released on bail in connection with Crime No.301 of 2016 registered with Police Station Murtizapur, Taluka Murtizapur, District Akola for the offences punishable under Sections 376(2)(1), 354(A), and 506 of the Indian Penal Code read with Sections 4 and 8 of the Protection of Children from Sexual Offences Act, 2012 on his executing a P.R. Bond in

the sum of Rs.25,000/- with two solvent sureties of the like amount.

(iii) The applicant shall attend the police station twice in a month i.e. on first and 3rd Saturday and shall be with the investigating officer from 3:00 p.m. to 5:00 p.m..

(iv) The applicant shall not indulge in any type of activities which may prejudice the prosecution case or shall not extend any type of threats either to the prosecution witnesses or family members of the victim.

(v) If any of conditions is breached by the applicant, it is open for the investigating officer to file an application for cancellation of bail.

(vi) With this, the criminal application is allowed and disposed of.

JUDGE

!! BRW !!

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