

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [BA] No.1120 of 2017
[Tulsiram Mohan Patthe Vs. State of Mah., Malkapur PS, Distt. Buldana]

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

Court's or Judge's orders

Mr. S. A. Mohta, 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 who has been arrested on 13th July, 2017 in connection with Crime No. 325/2017 registered at Malkapur Police Station, Distt. Buldana, for the offences punishable under Section 377 of Indian Penal Code and Sections 3 (A), (C) & (D), 4,7 and 8 of the Prevention of Children from Sexual Offences Act, 2012 seeks his release on bail. As per the report lodged by the son of the applicant, it is alleged that the applicant initially on 8th July, 2017 and thereafter on 9th July, 2017 had tried to sexually abuse the informant. On that basis, a report came to be lodged on 12th July, 2017.

It is submitted on behalf of the applicant that the report in question has been lodged on account of

strained relations between the applicant and his wife. The applicant himself on 29th October, 2015 had lodged a report against his wife. He had thereafter filed a criminal case against his wife and other relatives in January, 2016. The applicant's wife, in turn, had filed proceedings under the provisions of Protection of Women from Domestic Violence Act, 2005. The present report is a result of these strained relations. The medical report does not indicate any injuries on the informant. The charge-sheet has now been filed and hence the applicant be released on bail.

The application is opposed by the learned Addl. Public Prosecutor. It is submitted that considering the nature of allegations, the applicant is not entitled for bail. The report of the Forensic Laboratory is yet to be received. The applicant and the informant are staying together and, therefore, if the applicant is released, he would pressurize the witnesses.

Perused the report as well as documents filed along with the charge-sheet.

It is found that there are disputes between the applicant and his wife since last two years. In the medical report, it has been opined by the Medical Officer that the informant was not ready to give any history of assault. Considering the facts of the case and as investigation is now complete, the applicant can be

released on bail, subject to imposing conditions.

Accordingly, the applicant who has been arrested pursuant to Crime No. 325/2017 registered at Malkapur Police Station, Distt. Buldana, for the offences punishable under Section 377 of Indian Penal Code and Sections 3 (A), (C) & (D), 4,7 and 8 of the Prevention of Children from Sexual Offences Act, 2012 is directed to be released on bail on furnishing a Personal Bond of Rs. 30,000-00 [rupees thirty thousand only] with one surety in the like amount. The applicant after his release shall not enter the municipal limits of Malkapur town till completion of trial, except for attending the Court proceedings. He shall not influence the informant or any witnesses. He shall co-operate in completion of trial.

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

Judge