

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [APPP] No. 32 of 2018
IN
Criminal Application [BA] No. 1077 of 2017
[Pravin Subodh Sarkar Vs. State of Mah.]

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

Court's or Judge's orders

Ms. A. Sarkar, Adv., for the applicant.
Mr. Ghodeswar, APP for non-applicant.

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CORAM : A. S. CHANDURKAR, J.

DATE : 24th January, 2018

By this application, the applicant seeks relaxation of one of the conditions that was imposed while enlarging the applicant on bail.

The applicant who was arrested in connection with Crime No. 961/2017 registered at Police Station, Bramhapuri, Distt. Chandrapur, for the offences punishable under Sections 354 (a) (1), 452, 323 and 506 of Indian Penal Code, read with Section 8 of the Protection of Children from Sexual Offences Act, 2012 was enlarged on bail by the order dated 20th November, 2017. One of the conditions for such release was that the applicant would not enter the limits of Bramhapuri Tahsil till the completion of the trial. In the application, it is stated that the applicant has two minor daughters who are prosecuting their education at Bramhapuri.

There is a difficulty faced by them in that regard due to imposition of the aforesaid condition. It is also stated that the applicant is residing at village Chichgaon, while the prosecutrix resides at village Halda, which is about ten kilometers from said village.

Reply has been filed on behalf of the State opposing the prayer. It is stated that said condition was rightly imposed. If the applicant is permitted to enter Bramhapuri Tahsil, there is an apprehension that witnesses could be influenced.

Heard learned counsel.

The record indicates that charge-sheet has been filed in the present crime. The applicant is residing at village Chichgaon which is at a distance of about ten kilometers from village Halda where the prosecutrix is residing. The incident in question took place at village Halda. Considering the fact that the children of the applicant are taking education at Bramhapuri, the aforesaid condition is modified. The applicant shall not enter the limits of village Halda till the completion of trial.

Application is disposed of.

Judge

