

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

CRIMINAL APPLICATION (BA) NO.20/2018

Pritam s/o Ratiram Tembhare ..vs.. The State of Maharashtra through PSO
P.S. Davniwada, Gondia, Tq. Dist. Gondia.

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

Court's or Judge's orders.

Mr. A. M. Sharma, Advocate for applicant.
Mr. N. Rao, A.P.P. for non applicant-State.

CORAM : V.M. DESHPANDE, J.

DATED : JANUARY 12, 2018

1. Heard Mr. A. M. Sharma, Advocate for applicant
and Mr. N. Rao, A.P.P. for non applicant-State.

2. The applicant is arrested in connection with
Crime No.31/2017 registered with Police Station,
Davniwada, Gondia for an offence punishable under Sections
341, 376 (D), (1), 506 read with Section 34 of the Indian
Penal Code and Sections 5 (g) (1) read with Section 6 of the
Protection of Children from Sexual Offences Act and
Sections 3 (2) (v) (va) of Scheduled Castes and Scheduled
Tribes (Prevention of Atrocities) Act.

3. The investigation is over and the charge-sheet is
already filed. The medical report of the victim shows that
there were no injuries on her person. The report further
shows that there is only possibility of sexual assault on the
victim.

4. The learned A.P.P. has opposed the application primarily on the ground that there is possibility of the applicant tampering with the prosecution witnesses as the applicant and the victim both are residing in the vicinity adjacent to each other.

5. The learned counsel for the applicant submits that the applicant will reside at Gondia and he will not enter in the territorial jurisdiction of police station Davniwada.

6. Looking to the nature of evidence and looking to the fact that this Court has already released the co-accused on bail, whose case is at par with the applicant, the applicant is also entitled to be released on bail.

7. In view of above, following order is passed.

ORDER

(i) Criminal Application No.20/2018 is allowed.

(ii) The applicant-Pritam s/o Ratiram Tembhare be released on bail in connection with Crime No.31/2017 registered with Police Station, Davniwada, Gondia for an offence punishable under Sections 341, 376 (D), (1), 506 read with Section 34 of the Indian Penal Code and Sections 5 (g) (1) read with Section 6 of the Protection of Children from Sexual Offences Act and Sections 3 (2) (v) (va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act on he executing P.R. Bond in the sum of Rs.25,000/- with two solvent sureties in the like amount.

(iii) The applicants shall not enter within the territorial jurisdiction of Police Station, Davniwada, Gondia till disposal of the trial. The applicant shall stay in Gondia till culmination of the trial.

(iv) At the time of execution of the bail bonds before the Sessions Court, the applicant is directed to furnish his address of residence to the learned Sessions Judge and also shall transmit the said address to the Police Station authorities Davniwada.

(v) Till culmination of the trial, the applicant shall attend Police Station Gondia City, twice in a month i.e. on every first and third Saturday, till culmination of the trial.

(vi) The observations made in this order are prima facie in nature and they are made only for the limited purpose for considering the application for bail. The learned trial Court shall not get influenced by the observations made in the order.

The application stands disposed of accordingly.

JUDGE