

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

CRIMINAL APPLICATION (BA) NO.575 OF 2018

(Kishora s/o Abaji Rode Vs. State of Maharashtra thr. PSO PS Durgapur, Dist.
Chandrapur)

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

Court's or Judge's orders.

Shri R.M. Daga, Advocate for Applicant.
Shri T.A. Mirza, APP for Respondent-State.

CORAM: ROHIT B. DEO, J.

DATE: 4th JULY, 2018.

The applicant is in custody since 14.08.2017 in connection with Crime 309/2017 registered with Police Station Durgapur, District Chandrapur for offence punishable under section 354(A)(1(F), 342 of the Indian Penal Code read with section 7, 8, 9(m)(p), 10 of POCSO Act 2012.

This court was moved for bail earlier, and by order dated 27.11.2017 while permitting the applicant to withdraw the application for bail liberty was granted to approach the Sessions Judge for bail if the trial does not commence within three months. Since the trial did not commence within three months the applicant approached the Sessions Judge for bail which came to be rejected by order dated 13.04.2018.

The allegation against the applicant is that he kissed the victims aged 9 and 6 years. At this stage, it would

not be appropriate to evaluate the material on record too minutely or to make any observation on the submission of the learned counsel Shri Daga that in the teeth of the material on record aggravated sexual assault is ruled out.

Since the trial is yet to commence and the applicant is in custody since last more than 11 months, and in view of the fact that there are no criminal antecedents, I am inclined to allow the application.

The applicant be released on bail on furnishing personal bond of Rs.15,000/- with a solvent surety of the like amount.

The applicant shall not enter the territorial limits of Chandrapur unless he is required to attend the court hearing or unless for compelling reasons he is permitted to do so by the trial court.

The applicant shall not tamper with the evidence nor shall the applicant directly or indirectly attempt to influence the witnesses in any manner.

The application is disposed of accordingly.

JUDGE