

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

CRIMINAL APPLICATION (BA) NO.594 OF 2018

(Santosh w/o Warlu Gingule Vs. State of Maharashtra thr. PSO PS Pandharkawada,
Dist. Yavatmal)

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

Court's or Judge's orders.

Shri Vivek Awchat, Advocate for Applicant.
Shri T.A. Mirza, APP for Respondent-State.

CORAM: ROHIT B. DEO, J.

DATE: 29th JUNE, 2018.

The applicant is in custody since 20.03.2018 in connection with Crime 217/2018 registered at the Police Station Pandharkawada, District Yavatmal for offence punishable under sections 354, 354-A, 323, 506 of the Indian Penal Code and section 10 of the Protection of Children from Sexual Offences Act.

The investigation is complete and the charge-sheet is filed.

The victim is the daughter of the applicant.

Shri T.A. Mirza, the learned A.P.P. would submit that considering the relationship, there is every possibility of the applicant influencing the victim and other witnesses. This submission was also made before the learned Sessions Judge and apparently found favour with the learned Sessions Judge who was pleased to reject the application for bail.

I have considered the material on record. The apprehension of the prosecution is not entirely unfounded. However, some balance will have to be struck between the liberty of the applicant and the interest of the victim and the other witnesses. The apprehension can be taken care of by imposing stringent conditions.

The application is allowed.

- [1] The applicant shall be released on bail on his furnishing a personal bond of Rs.15,000/- with a solvent surety of the like amount.
- [2] The applicant shall not enter the territorial limits of Tahsil Ghatanji till the conclusion of the trial.
- [3] The applicant shall make no attempt to contact either the victim or the witnesses. Any breach of this condition shall *ipso facto* entail cancellation of bail.
- [4] The applicant shall not tamper with the evidence nor shall applicant directly or indirectly attempt to influence the witnesses in any manner.

The application is disposed of accordingly.

JUDGE