

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

CRIMINAL APPLICATION (BA) NO.673 OF 2018

(Shriram s/o Maniram Kapgate Vs. State of Maharashtra thr. PSO PS Duggipar, Dist.
Gondia)

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

Court's or Judge's orders.

Shri D.B. Borkar, Advocate for Applicant.
Shri N.H. Joshi, APP for Respondent/State.

CORAM: ROHIT B. DEO, J.

DATE: 31st JULY, 2018.

The applicant is in custody since 06.03.2018 in connection with Crime 53/2018 registered with the Police Station Duggipar, District Gondia for offence punishable under section 354 of the Indian Penal Code read with section 8 of the Protection of Children from Sexual Offences Act, 2012 and section 3/181, 50/177 of the Motor Vehicles Act.

2] The accusation against the applicant is that he was asked by the mother of the victim to drop the victim at her examination centre on his motorcycle. The applicant, under the pretext that the vehicle is short of petrol stopped the vehicle in a forest area and sexually assaulted the victim by pressing her breast.

3] The accusation is serious. However, the applicant

has spent nearly five months in custody. It is the not case of the prosecution that the applicant may not be available to face the trial or that he is in a position to tamper with evidence. The victim is a neighbour and to that extent the apprehension that the applicant may attempt to influence her or her family shall have to be allayed. This can be done by directing the applicant not to enter the territorial limits of Sadak Arjuni till the conclusion of the trial.

4] The application is allowed.

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

[ii] The applicant shall not enter the territorial limits of Sadak Arjuni till the conclusion of the trial.

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

JUDGE