

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

CRIMINAL APPLICATION (ABA) NO.906/2017

Kapil Chandrashekhar Tombarlawar ..vs.. The State of Maharashtra through
PSO P.S. Etapalli, Dist. Gadchiroli.

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

Court's or Judge's orders.

Mr. A. R. Fule, Advocate for applicant.

Mr. T. A. Mirza, A.P.P. for non applicant-State.

CORAM : V.M. DESHPANDE, J.

DATED : JANUARY 8, 2018

1. Heard Mr. A. R. Fule, Advocate for applicant and
Mr. T. A. Mirza, A.P.P. for non applicant-State.

2. The applicant is apprehending his arrest in
connection with Crime No.1/2017 registered with Police
Station, Etapalli, Dist. Gadchiroli for an offence punishable
under Sections 354(A), 363, 366, 366 (A), 376 (2) (N) of
the Indian Penal Code and Sections 4, 6, 8 and 12 of the
Protection of Children from Sexual Offences Act, 2012.

3. The learned counsel for the applicant submitted
that even if the entire case of the prosecution is perused, the
only allegation against the present applicant is that he
caught hold of hand of one of the victims. He submitted that
there are no other allegations against the present applicant.

I have heard the learned A.P.P. in extenso and
also perused the reply.

4. According to the reply, the FIR was lodged on 01.01.2017 by one Dipali Kulmethe, Head Mistress of Kasturba Gandhi Balika Vidyalaya, Etapalli, where the victims used to obtain education. According to the FIR, on 24.12.2016, two girls who are the victims in the crime, left the hostel abruptly and in spite of search being made, they were not found.

5. After registration of the crime, criminal law was set into motion. During the course of investigation, the girls were traced out and their statements are recorded. One of the accused Naresh is already arrested. As per the reply and as per submissions of the learned A.P.P., the investigating officer has already filed the final report in the Court of law.

6. After perusal of the statements of the victims and also the reply, the only role attributed against the present applicant is that on 27.12.2016, he caught hold of hand of one of the victims. Except this, there are no allegations against the present applicant.

7. Accused Naresh against whom serious accusations are made by the victim is already arrested and is behind the bars.

8. In view of above, I am of the view that applicant has made out a prima facie case for grant of anticipatory bail. Hence, following order is passed.

ORDER

- (i) Criminal Application No.906/2017 is allowed.
- (ii) In the event of arrest in connection with Crime No.1/2017 registered with Police Station, Etapalli, Dist. Gadchiroli for an offence punishable under Sections 354(A), 363, 366, 366 (A), 376 (2) (N) of the Indian Penal Code and Sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, the applicant-Kapil Chandrashekhar Tombarlwar be released on bail on he executing P.R. Bond in the sum of Rs.25,000/- with two solvent sureties in the like amount.
- (iii) The shall attend Police Station, Etapalli once in a month i.e. on third Monday of every month between 02.00 p.m. to 06.00 p.m. till the culmination of the trial.
- (iv) The applicant shall not try to influence any of the victims or any of the prosecution witness.
- (v) 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 anticipatory bail. The learned trial Court shall not get influenced by any of the aforesaid observations.

The application stands disposed of accordingly.

JUDGE