

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

Criminal Application (BA) No. 280 of 2019

Sheshrao Sahebrao Damodhar

Vs.

State of Mah. Through P.S. Civil Lines, Akola

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

Court's or Judge's orders

Mr. N.R. Tekade, Advocate for applicant.
Mr. M.G. Khan, APP for non-applicant.

CORAM : MANISH PITALE, J.

DATED : JUNE 03, 2019

The applicant herein is seeking regular bail in respect of offence registered against him under the provisions of the Indian Penal Code as well as the Protection of Children from Sexual Offences Act. The FIR was registered on 04/12/2018 and the applicant was arrested on 05/12/2018. Since then he is in custody. It is an admitted position that pursuant to the investigation chargesheet is also filed before the Court. It is the case of the applicant that he has no criminal antecedents and since the investigation is completed and the chargesheet has been filed there is no reason for further custody of the applicant during pendency of the trial. It is further contended that even bare reading of the FIR would show that there has been a delay of about 15 days in lodging the complaint against the applicant. It is claimed on behalf of the applicant that

he has a strong prima facie case in his favour and that, therefore, the present application deserves to be allowed.

2. The applicant had approached the trial Court for grant of bail, which stood rejected by an order dated 05/03/2019, passed by the Trial Court. The main reason for rejection of the application was that since the victim child aged about 12 years resides in the very same locality where the applicant resides, there would be every possibility of the victim being threatened or influenced by the applicant if he is released on bail.

3. The non-applicant State has filed its reply in the present application and the grant of bail is opposed on the ground that the present case pertains to heinous crime against minor girl and that there is possibility of the applicant tampering with the evidence and influencing the prosecution witnesses. There is nothing on record as regards any criminal antecedents of the applicant.

4. On specific query put to the learned counsel for the applicant regarding occupation of the applicant, it is stated that he has been working as labour. Upon hearing the counsel for the rival parties, it appears that since the chargesheet is already filed, the trial would commence shortly. The main apprehension raised on

behalf of non-applicant State and taken note of by the Trial Court is that there is every possibility of the applicant tampering with evidence or influencing the prosecution witnesses, if he is released on bail. The main reason why such apprehension is expressed is a fact that the applicant is resident of the very same locality where the minor victim girl resides. The said apprehension can be addressed by imposing suitable conditions in the present case.

5. The material on record shows that the applicant does not have any criminal antecedents. The statement of witnesses have been already recorded and the chargesheet has already been filed. The applicant has been in custody since 05/12/2018. In this situation, this Court is of the opinion that present application can be allowed conditionally. In view of the above, the application is allowed and the applicant is directed to be released on bail on the following conditions.

6. The applicant is directed to execute PR bond of Rs.50,000/- with surety in like amount on further condition that the applicant shall not enter the city limits of Akola during pendency of the trial. He shall report to the police station within jurisdiction of which chooses to reside outside the city limits of Akola on every Sunday between 10.00 a.m. to 5.00 p.m. If the applicant changes residence during pendency of the

trial, he shall inform the Trial Court and accordingly report to the concerned police station within whose jurisdiction he chooses to reside during pendency of the trial.

7. On the above conditions the present application stands allowed.

JUDGE

MP Deshpande