

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

CRIMINAL APPEAL NO.329/2019
Nazir Khan Pathan s/o Nizam Khan Pathan

..VS..

The State of Mah., thr. Police Station Officer, Police Station MIDC Akola,
Taluka and District Akola

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

Court's or Judge's Order

.....
Shri A.M.Tirukh, Counsel for the Appellant.

CORAM : V.M.DESHPANDE, J.
DATED : MAY 3, 2019.

1. Heard learned counsel Shri A.M.Tirukh for the appellant.
2. Issue Notices to the respondents, returnable after 8 weeks.
3. Learned Additional Public Prosecutor Shri N.B.Jawade waives the Notice on behalf of respondent No.1/State.
4. Notice to respondent No.2 be served through the Superintendent of Police at Akola and also an intimation be given to her in respect of filing of the present criminal appeal before this Court.

Criminal Application No.473/2019

1. This is an application for grant of *interim* order pending the present appeal.
2. Non-applicant No.2 lodged First Information

Report vide No.275/2018 with Police Station Khadan, MIDC, Akola for offences under Section 354 of the Indian Penal Code and under Sections 7, 8 and 9(m) of the Protection of Children from Sexual Offences Act, 2012 and under Section 3(1)(w)(i)(ii) and 3(2)(va) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. On 14.12.2018, the applicant is arrested and since then he is in jail. He moved an application even after filing of chargesheet before the Court below, however the said application was rejected. Therefore, the present appeal under Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 is filed.

4. The applicant is in jail since 14.12.2018. Investigation is already over and chargesheet is already filed. In that view of the matter, following order is passed:

ORDER

(i) The criminal application is allowed.

(ii) Pending the present appeal, applicant-Nazir Khan Pathan s/o Nizam Khan Pathan be released on temporary bail on he executing a P.R.Bond in the sum of Rs.5000/- with one solvent surety of the like amount.

(iii) The Bail before the Special Court, Akola.

(iv) Until further orders, the applicant is directed to attend SDPO at Akola City twice a week i.e. on Monday and

.....3/-

Saturday of each week and shall be with Investigating Officer between 3:00 p.m. and 5:00 p.m. and shall maintain diary.

(v) The criminal application stands disposed of accordingly.

JUDGE

!! BRW !!

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