

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

CRIMINAL APPLICATION (APPA) NO.477/2019

IN

CRIMINAL APPEAL NO.285/2019

Nitin @ Nitesh s/o Wasudeo Thakre

..VS..

State of Mah., thr. PS Pulgaon, Wardha and anr

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

Court's or Judge's Order

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Shri J.M.Gandhi, Counsel for the Applicant.

Shri N.B.Jawade, Addl.P.P. for the State.

CORAM : V.M.DESHPANDE, J.

DATED : MAY 3, 2019.

1. This is an application for grant of *interim* bail.
2. Heard learned counsel Shri J.M.Gandhi for the applicant and learned Additional Public Prosecutor Shri N.B.Jawade for the State.
3. The present criminal appeal under Section 14-A of the S.C. & S.T. Act is filed by the applicant since his application for grant of regular bail was rejected by learned Judge below. On 15.4.2019, Notices were issued on the appeal. Office note shows that non-applicant No.2 is served. The State has filed its reply and opposed the admission of the appeal.
4. On report lodged by non-applicant No.2, offences, vide Crime No.198/2019 under Section 354-A(1) (iv) of the Indian Penal Code and under Sections 12 and 8 of

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the Protection of Children from Sexual Offences Act, 2012, were registered with Pulgaon Police Station, District Wardha. Later on, sections under provisions of the S.C. & S.T. Act were also added since during investigation it was transpired that victim was belonging to the Scheduled Tribes.

5. The applicant is arrested on 16.3.2019 and since then he is in jail.

6. Investigation papers, as pointed out to this Court, show entire investigation is almost over. Looking to the said fact and the applicant is in jail since 16.3.2019, in my view, discretion can be exercised in favour of the applicant pending the present appeal. Hence, I pass following order:

ORDER

(i) The criminal application for temporary bail is allowed.

(ii) Pending the present appeal, applicant-Nitin @ Nitesh s/o Wasudeo Thakre be released on temporary bail on he executing a P.R.Bond in the sum of Rs.10,000/- with one solvent surety of the like amount.

(iii) The Bail before learned Special Judge at Wardha.

(iv) The applicant is directed to attend SDPO at Pulgaon, District Wardha once in a week i.e. on every Sunday between 3:00 p.m. and 5:00 p.m., till culmination of the Trial. This particular condition is specifically imposed

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by this Court so that possibility of extending threats to victim is ruled out.

(v) The applicant shall remain personally present before this Court at the time of final hearing of the present criminal appeal.

(vi) With this, the criminal application stands disposed of accordingly.

JUDGE

!! BRW !!

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