

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

CRIMINAL APPLICATION (BA) NO. 916 OF 2019

Jitendra Gotiram Ajane .Vs. State of Maharashtra, through PSO, PS.
Tamgaon, Dist. Buldhana.

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

Mr. M.V. Rai, Advocate for applicant.
Mr. M.J. Khan, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.
DATED : NOVEMBER 13, 2019

Heard Mr. Rai, learned counsel for the applicant and Mr. Khan, learned Additional Public Prosecutor for the non applicant-State. Also perused the reply filed on behalf of the prosecution agency and the investigation papers which were placed before me by learned Additional Public Prosecutor.

The applicant is arrested on 08.09.2019 in connection with Crime No.209/2019 registered with Police Station, Tamgaon, Dist. Buldhana for an offence punishable under Sections 354, 354A of the Indian Penal Code, 1860 and under Sections 8 and 10 of the Protection of Children from Sexual Offences Act, 2012.

The reply shows that the investigation is completed and only formality of filing of the charge-sheet is remained to be done. The accusation against the present applicant, as it could be seen from the first information report dated 08.9.2019, lodged by Baburao Ajane, the father of the victim girl who is aged about 10½ years, in respect of

the incident that has occurred on 07.09.2019 that the applicant who is also the relative of the victim called her inside his house and he embarrassed her. The statement of the victim also shows that the applicant did embarrass her. The report shows that the incident was witnessed by Sou. Pooja Kalaskar and one Akash Kalaskar. There is no explanation at least at this stage available in the investigation papers as to why two persons did not disclose the said aspect to the police machinery. In that view of the matter though it is a defence of the applicant that there is dispute between him and father of the first informant on account of drainage, it will have to be give due weightage resulting into passing of the following order :

ORDER

- (i) The application is allowed.
- (ii) Applicant- Jitendra Gotiram Ajane be released on bail in connection with Crime No.209/2019 registered with Police Station, Tamgaon, Dist. Buldhana for an offence punishable under Sections 354, 354A of the Indian Penal Code and under Sections 8 and 10 of the Protection of Children from Sexual Offences Act, on he executing P.R. Bond in the sum of Rs.10,000/- with one solvent surety in the like amount.
- (iii) The applicant is directed to attend Police Station, Tamgaon, Dist. Buldhana once a week i.e. on every Monday and shall be with the investigating officer in between 03:00 p.m. and 05:00 p.m. till filing of the charge-sheet.

(iv) After filing of the charge-sheet the applicant shall attend Police Station, Tamgaon, Dist. Buldhana as and when called by the investigating officer. However, for that the investigating officer shall give clear cut two days prior written communication to the applicant.

(v) With this, the application is allowed and disposed of.

JUDGE

srwagh