

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

CRIMINAL APPLICATION (BA) NO.1138/2019

Murlidhar Hariram Keswani .vs. State of Maharashtra through PSO P.S.
Khadan, Akola, Tq. Dist. Akola.

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

Court's or Judge's orders.

Mr. P. V. Navlani, Advocate for applicant.
Mr. M. K. Pathan, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.
DATED : DECEMBER 17, 2019

Heard Mr. Navlani, learned counsel for applicant
and Mr. Pathan, learned A.P.P. for non applicant-State. Also
perused the reply filed on behalf of the investigating officer.

2. The applicant is arrested on 19.11.2019 in
connection with Crime No. 626/2019, registered with Police
Station, Khadan, Akola for an offence punishable under
Sections 354, 354-A of the Indian Penal Code and Section 8
of the Protection of Children From Sexual Offences Act.
Primarily, the application is opposed on the ground that
investigation is in progress and charge-sheet is yet to be
filed. However, learned A.P.P. fairly submits that looking to
investigation papers, only formality of filing of charge-sheet
is remained to be done.

3. First Information Report is lodged by one Shabina Bano Rizwan Khan. She is mother of victim. The report is lodged on 19.11.2019. As per report, she has two daughters aged about 10 years and 9 years. Both are taking education in Sindhi High School. As per the report, on 19.11.2019 at 01.00 O'clock, one teacher from the school by name Mr.Kakad made a phone call to her that she was called in the school. Accordingly, when she went to school that time, she noticed that her daughters were weeping. Therefore, when they were inquired, according to FIR, both her daughters disclosed that on 16.11.2019, at 09.00 O'clock, the applicant, who runs a grocery shop, called them in her shop by giving allurements of chocolate and thereafter shown his private part to them and put his hand on their chests.

4. Incident is dated 16.11.2019. There is nothing in the prosecution case as to why the report was not lodged immediately. It will always be open for the prosecution to explain it during the course of trial. Learned counsel for applicant submitted that there was a dispute between the mother of victims and the applicant since the first informant used to take grocery on credit from his shop. Though, it is the defence of applicant, it could be considered at the appropriate time. However, in the light of the delay in lodging in the report, it has its own impact.

5. In view of above, I pass the following order.

ORDER

- (i) The application is allowed.
- (ii) Applicant-Murlidhar Hariram Keswani be released on bail in connection with Crime No.626/2019, registered with Police Station, Khadan, Akola for an offence punishable under Section 354, 354-A of the Indian Penal Code and Section 8 of the Protection of Children From Sexual Offences Act, on he executing P.R. Bond in the sum of ₹ 50,000/- with one solvent surety in the like amount.
- (iii) The applicant is directed to attend Police Station, Khadan thrice a week i.e. on Monday, Thursday and Saturday and shall be with the investigating officer between 11.00 a.m. to 05.00 p.m., till filing of the charge-sheet. After filing of the charge-sheet, the applicant shall attend Police Station, Khadan on third Friday of every month and shall be with the investigating officer from 03.00 p.m. to 05.00 p.m.

The application is disposed of.

JUDGE