

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

CRIMINAL APPEAL NO.28 OF 2020

(Vaibhav Kailashsing Pawar ..vs.. The State of Maharashtra, through PSO, PS Khamgaon and
another)

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

Court's or Judge's orders

Shri A.D. Bhate, Counsel for the appellant,
Shri S.S. Doifode, Addl.P.P. for the respondent.

CORAM : ROHIT B. DEO, J.
DATED : 21-02-2020

The appellant is aggrieved by the order dated 20-12-2019 whereby the application preferred under Section 439 of the Criminal Procedure Code is rejected.

2. The appellant is arrayed as accused in Crime 363/2019 registered with the Khamgaon Rural Police Station for offences punishable under Sections 354, 354-D, 323, 506 of the Indian Penal Code, Section 8 of the Protection of Children from Sexual Offences Act and Sections 3(1)(w)(i)(ii) and 3(1)(r)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act. The appellant is in custody since 10-12-2019.

3. The allegation is that the appellant stalked the victim and proposed marriage. The appellant threatened the victim that should she not consent for marriage, the appellant shall commit suicide. The bail application is

rejected on the premise that if released on bail, the appellant is likely to repeat such acts.

4. The apprehension of the prosecution can be allayed by directing that the appellant shall not enter the territorial limits of Sambhapur without permission of the jurisdictional Court.

5. The appeal is allowed.

6. The appellant shall be released on bail on furnishing personal bond of Rs.16,000/- with solvent surety of like amount.

7. The appellant shall not enter the territorial limits of Sambhapur till the conclusion of the trial, unless the jurisdictional Court specifically permits the appellant to do so.

JUDGE

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