

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

CRIMINAL APPLICATION (BA) NO. 433 OF 2020

(Swapnil s/o Vinod Dongre ..vs.. The State of Maharashtra, through PSO, Barshitakli, District Akola)

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

Court's or Judge's orders

Shri A.M. Jaltare, Counsel for the applicant,
Shri J.Y. Ghurdey, Addl.P.P. for the non-applicant.

CORAM : ROHIT B. DEO, J.

DATED : 21-09-2020

Hearing was conducted through video conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. Heard.

3. The applicant is in custody since 16-7-2019 in connection with Crime 253/2019 registered with Barshitakli Police Station for offences punishable under Section 376-A,B,N of the Indian Penal Code and Sections 4, 5(l), 6 and 12 of the Protection of Children from Sexual Offences Act.

4. Shri A.M. Jaltare, learned Counsel for the applicant submits that there is no material in the charge-sheet to suggest that the victim was subjected to penetrative sexual assault. *Prima facie*, from perusal of the medical papers, it does appear that there is no injury

or any other visible sign of a penetrative assault as would attract the more stringent provisions which are invoked.

5. The bail is strongly opposed by Shri J.Y. Ghurdey, learned Additional Public Prosecutor, who relies on the statement of the victim. Shri J.Y. Ghurdey further contends that since the applicant resides in the same locality as the victim, he may influence the witnesses. This apprehension can be addressed by imposing the suitable conditions.

6. The application is allowed.

7. The applicant shall be released on bail on executing personal bond of Rs.25,000/- with a solvent surety of like amount.

8. Considering the prevailing circumstances, the surety shall be furnished within four weeks of the release.

9. The applicant shall make no attempt to contact any witness or to otherwise influence the course of trial.

10. The applicant shall not enter the territorial limits of village Ajni Buj. till the conclusion of the trial unless permitted to do by the trial Court.

11. The applicant shall attend each date of hearing scrupulously.

12. The applicant shall not leave the country without the permission of the trial Court.

JUDGE

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