

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

CRIMINAL APPLICATION (BA) NO. 540 OF 2020

(Shubham s/o Vinayak Nagalkar ..vs.. State of Maharashtra, through PSO, PS Old City 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.S. Londhe, Counsel for the applicant,
Shri P.S. Tembhare, Addl.P.P. for the non-applicant.

CORAM : ROHIT B. DEO, J.

DATED : 09-09-2020

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

2. The applicant, who is aged 18 years, is in custody since 23-11-2019 in connection with Crime 387/2019 registered with Old City Akola Police Station for offences punishable under Sections 354, 354-D(1), 504, 506 read with Section 34 of the Indian Penal Code and Sections 11 and 12 of the Protection of Children from Sexual Offences Act.

3. The allegation is that the applicant and his brother Sonu came to the house of the informant at odd hours and the applicant caught hold of the hand of the informant's minor daughter and declared that he would marry her.

4. Bail is opposed by the learned Additional Public Prosecutor Shri P.S. Tembhare on the ground that the applicant has antecedents. Shri P.S. Tembhare is right in submitting that the applicant has antecedents. However, the offences are registered when the applicant was juvenile. That apart, the apprehension of the prosecution that the applicant would influence the witnesses can be addressed by imposing stringent conditions. Considering the nature of accusations and the tender age of the applicant, further detention in custody would not be appropriate.

5. The application is allowed.

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

7. The applicant shall not make any attempt to contact the daughter of the informant or to influence the witnesses, directly or indirectly.

8. The applicant shall not enter the territorial limits of the city of Akola till the conclusion of the trial except for attending the dates of hearing, unless specifically permitted to do so by the trial Court.

9. The applicant shall not leave the country.

JUDGE

adgokar