

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

CRIMINAL APPLICATION (BA) NO. 628 OF 2020

(Ravi @ Ravindra s/o Janardhan Zatale ..vs.. The State of Maharashtra, through PSO, PS Khadan,
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. Mardikar, Senior Counsel assisted by Shri S.G. Joshi, Counsel
for the applicant,
Shri Bhagwan Lonare, Addl.P.P. for the non-applicant.

CORAM : ROHIT B. DEO, J.

DATED : 28-09-2020

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 seeking regular bail in Crime 699/2019 registered with Khadan Police Station, Akola for offences punishable under Sections 354, 354-A & B of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act.

4. The prosecution case is that the applicant was seen holding the two years old child of the informant on his lap, the child was naked and the applicant was caressing her genitalia. While the allegation is serious, the learned Senior Counsel Shri A.S. Mardikar points out

that prior to the lodging of the report by the mother of the child, the wife of the applicant lodged a report against the father of the child accusing him of rape and this report was lodged eight hours prior to the report lodged by the mother of the child. Shri A.S. Mardikar, learned Senior Counsel then submits that the minimum punishment is three years which may be extended to five years and considering the prevailing situation, it is unlikely that the trial would conclude within a reasonable time. The submission is that the applicant is in custody since 21-12-2019 and since he is not a flight risk, there is no reason why he should continue to languish in custody as if sentenced to a pre-trial punishment.

5. Shri Bhagwan Lonare, learned Additional Public Prosecutor is seriously opposing the bail. Shri Bhagwan Lonare emphasizes that the child was only two years old and the alleged sexual misconduct is extremely grave. I have already noted that the allegation is indeed serious. But then, that by itself cannot be a ground to deny bail, particularly since the applicant is not likely to flee away from the course of justice and the trial is not likely to conclude expeditiously. Apart from the fact that there is previous report lodged by the applicant's wife against the father of the victim, that the applicant is in custody since 21-12-2019, that the punishment, if convicted, may as well be the minimum of three years, that the trial is

not likely to conclude expeditiously, are cumulatively good reasons to grant bail.

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 not make any attempt to tamper with the evidence or to influence witnesses.

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

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

JUDGE

adgokar