

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

LD-VC-CRIMINAL APPLICATION (BA) NO. 1083 OF 2020
(Rahul s/o Hanuman Shivarkar, Akola Vs. State of Maharashtra, thr.PSO Akot, 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. Tirukh, Advocate for the applicant.
Shri V.A. Thakare, A.P.P. for the non-applicant.

CORAM : PUSHPA V. GANEDIWALA, J.
AUGUST 20, 2020.

Heard Shri Tirukh, learned counsel for the applicant and Shri Thakare, learned A.P.P. for the non-applicant/State through Video Conferencing.

2. The applicant is said to be arrested on 27/06/2020 in connection with Crime No. 291/2020 dated 27/06/2020 registered at Police Station, Akot, District Akola for the offence punishable under Sections 354 and 324 read with Section 34 of the Indian Penal Code, 1860 and Sections 7 and 8 of the Protection of Children from Sexual Offences Act, 2012.

3. The prosecution story is that on 27/06/2020, the daughter of the informant, aged around eleven years, informed him that the present applicant took her into his arms, started tickling her hands and removing her pant. That the daughter of the informant pushed him and ran away. When the informant discloses the said incident to the cousin of

the applicant, the same disclosure was taken as defamation and he hit the head of the victim with a metal rod.

4. At the outset, the co-accused, who assaulted the victim with a metal rod is on bail, while the present applicant, who has not admittedly committed any act of actual sexual assault, is in jail since more than two months.

5. Considering the nature of the offence and the accusations levelled against the present applicant so also considering the fact that the investigation is completed and the chargesheet is likely to be filed soon, this Court is of the opinion that a fit case for grant of bail has been made out. Hence, I proceed to pass the following order :-

ORDER

- i) The Criminal Application is allowed.
- ii) The applicant be released on bail on his furnishing PR bond in the sum of Rs.20,000/- with one solvent surety in the like amount.
- iii) The applicant shall not pressurize or issue threats to the witnesses.
- iv) The applicant shall not tamper with the prosecution evidence.
- v) The applicant to supply his residential address and mobile number to the concerned police station and shall not change the same.

vi) The applicant shall not leave the local jurisdiction without prior intimation to the concerned police station.

vii) The applicant to attend the concerned police station on every first Thursday of each month between 12.00 noon to 2.00 pm.

6. The Criminal Application is disposed of accordingly.

7. This order be communicated to the counsel appearing for the parties, either on the email address or on Whats app or by such other mode, as is permissible in law.

JUDGE

Sumit