

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

LD-VC-CRI APPLICATION (BA) NO. 1015 OF 2020

(Vinod Ganpat Nichat vs. State of Maharashtra thr. PSO, Talegaon, District – Wardha)

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

Court's or Judge's orders.

Shri Mahesh Rai, Advocate for the applicant.
Shri J.Y. Ghurdey, APP for the non-applicant – State.

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

Heard Shri Rai, learned counsel for the applicant and Shri Ghurdey, learned APP for the non-applicant – State, through video conferencing.

The applicant is said to be arrested on 28.11.2018 in Crime No. 385 of 2018, for the offence punishable under Sections 354, 354-A(1) of the Indian Penal Code and Section 8, 9(m) and 10 of the Protection of Children from Sexual Offences Act, 2012, (POCSO Act), registered at Police Station, Talegaon, District – Wardha.

The prosecution story is that the minor girl aged about 10 years was the friend of the applicant's daughter and on the date of incident, she went to the house of the applicant to call her friend for playing with her. The present applicant called the victim inside the house and pressed her legs and arms.

While pressing, he touched the chest of the minor victim, removed his trouser and asked her to touch his private parts and also offered her Rs.10/-.

As the victim was scared, she came back and informed the matter to her mother and accordingly, FIR came to be lodged against the present applicant and the applicant came to be arrested on 28.11.2018.

The investigation agency referred the victim for medical examination but as the mother of the informant refused to conduct the medical examination of the victim, therefore, the detailed examination could not be undertaken.

Now, the investigation is completed long back in January 2019 and the applicant is said to be in jail since more than one and half years. He has no criminal antecedents. The maximum punishment for this offence is up to seven years. It is submitted that till date, charge in the trial is not framed.

Considering the aforesaid facts, I am inclined to release the applicant on bail on the following conditions. Hence, the order :

Criminal Application is allowed. The applicant – Vinod Ganpat Nichat, be released on bail on executing Personal bond of Rs. 25,000/- (Rs. Twenty five thousand only) with one surety in the like amount.

The applicant shall not enter the vicinity of the area where the witnesses reside.

The applicant shall not pressurize or issue threats to the evidence.

The applicant shall not tamper with the witnesses of prosecution.

The applicant to attend concerned police station once in a month i.e. on every first Thursday of the month between 12.00 Noon and 2.00 P.M.

Criminal Application is disposed of accordingly.

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

JUDGE

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