

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

LD-VC-CRIMINAL APPLICATION (BA) NO. 741 OF 2020

(Samadhan s/o Mahadeo Wankhede, Akola Vs. State of Maharashtra)

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

Court's or Judge's orders.

Shri D.P. Bhongade, Advocate for the applicant.
Shri J.Y. Ghurde, A.P.P. for the non-applicant.

CORAM : PUSHPA V. GANEDIWALA, J.
AUGUST 06, 2020.

Heard Shri Bhongade, learned counsel for the applicant and Shri Ghurde, learned A.P.P. for the non-applicant through Video Conferencing.

2. The applicant is said to be arrested on 23/02/2020 in connection with Crime No.61/2020 dated 23/02/2020 registered at Police Station, Civil Line, Akola for the offences punishable under Sections 354 and 506 of the Indian Penal Code and Sections 7 and 8 of the Protection of Children from Sexual Offences Act, 2012 (In short "Act of 2012").

3. Perused the application, affidavit-in-reply and the documents annexed herewith.

4. The allegations against the present applicant are that the applicant used to look towards the victim, sing songs and blow whistles, and on 23/02/2020, at about 17.00 hours, when the victim was alone in her house, he came there and pulled her by catching hold of her T-shirt and closed the door.

That in the meantime, the mother of the victim came and with the help of neighbors, the applicant was pushed out of the house.

5. A perusal of the report and the statements of the witnesses would reveal that the applicant was only attempted to outrage the modesty of a minor girl, aged around 15 years. The learned trial Court rejected the bail application of the applicant as at the relevant time, the investigation was on preliminary stage.

6. Now, the investigation is completed and the chargesheet is also filed.

7. In the given facts, so also looking to the nature of offence and the allegations levelled against the present applicant, this Court is of the opinion that with conditions, he can be released on bail. Hence, the following order :-

ORDER

- i) The Criminal Application is allowed.
- ii) The applicant be released on bail in connection with Crime No.61/2020 dated 23/02/2020 registered at Police Station, Civil Line, Akola for the offences punishable under Sections 354 and 506 of the Indian Penal Code and Sections 7 and 8 of the Act of 2012 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 in any manner tamper with the evidences.

iv) The applicant shall not enter in the vicinity of the area where the victim and the witnesses reside.

8. The Criminal Application is disposed of accordingly.

9. 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