

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

LD-VC-APPEAL NO. 404/2020

Sandip Datta Mohale and Ors.,

..VS..

State of Maharashtra, through P.S.O., Police Station Washim (Rural), Dist. Washim
and Anr.,

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

Court's or Judge's orders

Mr. R. S. Kurekar, Advocate for the appellants/applicants.
Ms. N. P. Mehta, APP for the non-applicant No.1.

CORAM : N. W. SAMBRE, J.

DATED : 19th June, 2020

1. Hearing was conducted through Video Conferencing and all the learned Advocates agreed that the audio and visual quality was proper.
2. Heard Mr. R. S. Kurekar, learned Advocate for the applicants and Ms. N. P. Mehta, learned APP for the non-applicant No.1.
3. Issue notice to the non-applicants, returnable on 03.08.2020.
4. Learned APP waives service of notice on behalf of non-applicant No.1.
5. Perused the allegations in the FIR and also the reasons cited in order of rejection of prayer for grant of anticipatory bail.

6. Perused the counter FIR filed against the complainant.

7. As far as the allegations against the applicants in the FIR are concerned, upon plain reading of the gist of allegations as reproduced in the copy of FIR *prima facie* the necessary ingredients of Section 8 of the POCSO are not made out.

8. As far as the other offences are concerned, same cannot warrant for custodial interrogation. That being so, in the event of arrest in Crime No.299 of 2020 registered with the non-applicant – Police Station Washim (Rural) punishable under Sections 354, 143, 149, 323, 427 of the Indian Penal Code and Section 8 of the POCSO Act, applicants be released on P.R. bond of Rs.15,000/- with one or more surety in like amount.

9. The applicants shall not influence or tamper with the evidence of prosecution and shall attend the Investigating Officer as and when directed.

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

JUDGE