

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

CRIMINAL APPLICATION (BA) NO. 861 OF 2020

Nikhil s/o Babarao Ghyare

Vrs.

State of Maharashtra, thr. P.S.O., P.S. Ural, Tq. Balapur, Dist. Akola

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.M. Tirukh, Adv. for the applicant.
Shri H.D. Dubey, APP for the non-applicant / State.

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**CORAM : PUSHPA V. GANEDIWALA, J.
DECEMBER 03, 2020.**

Heard.

2. The applicant is said to be arrested in Crime No. 76/2020 registered at Police Station Ural, Tq. Balapur, Dist. Akola for the offence punishable under Section 354(A)(B)(D) and 506 of the Indian Penal Code read with Section 8 and 12 of the Protection of Children from Sexual Offences (POCSO) Act, 2012.

3. The prosecution story in brief is that on 01/04/2020 at around 12 to 12.30p.m. when the complainant along with her cousin sister namely Chanchal Dandle, while going to the field at that time the applicant suddenly stopped the complainant and caught hold her hand and also dragged her into nearby bushes. The

cousin sister of the complainant due to fear ran away from the spot. The applicant pressed the chest of the complainant and also caught hold her hairs. The applicant ran away from the spot while seeing uncle of the complainant coming to the spot.

4. Perused the application, affidavit-in-reply filed on behalf of the State and the documents annexed.

5. Admittedly, there is no penetrative sexual assault on the victim. The age of the victim is on the verge of attaining 18 years while the applicant is of aged about 23 years. He is in custody since April, 2020. The investigation is completed and the charge-sheet is also filed.

6. Considering the nature of accusation, this Court is inclined to allow the application. Hence, the following order :

(i) The applicant – Nikhil s/o Babarao Ghyare be released on bail on executing Personal bond of Rs. 15,000/- with a solvent surety of like amount.

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

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

(iv) The applicant shall not tamper with the evidence of prosecution witnesses.

(v) The applicant to attend the concerned police station once in a month i.e. on every first Tuesday of the month between 12.00 noon and 2.00 p.m.

(vi) Needless to say that the aforesaid observations are only for the purpose of deciding this application and the same shall not come in the way of the trial Court to decide the trial.

JUDGE

D.S. Baldwa