

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

CRIMINAL BAIL APPLICATION (BA) NO. 152 OF 2021

Mangesh s/o Arunrao Kangale
..vs..
State of Maharashtra, thr. P.S.O.

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

Court's or Judge's orders

Shri M.V. Rai, Advocate for Applicant.
Mrs.N.P. Mehta, A.P.P. for Respondent-State.

CORAM : VINAY JOSHI, J.
DATED : 15/03/2021

Hearing was conducted through Video
Conferencing.

2. The Applicant/accused Mangesh Kangale is arrested by concerned Police in Crime No.368 of 2020 relating to the offence punishable under Sections 363, 354, 354-D of the Indian Penal Code and Section 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO Act'). The Applicant has twice approached to the Special Court for grant of bail prior to charge-sheet and once after the charge-sheet, but could not succeed. It is his first bail application after charge-sheet, before this Court.

3. At the instance of report dated 12.07.2020 lodged by the minor victim, the offence came to be registered. It is the case of the victim that, on the date of occurrence around 2.00 pm, the Applicant came to her house and asked her to accompany him on motorcycle on

the pretext that victim's mother is ill. While both were proceeding on motorcycle, the victim noticed that the Applicant was taking her somewhere else, hence, she took out the key of motorcycle and started running. The Applicant/accused chased her to some extent and also caught her hand. The victim gave jerk and ran away from the spot. After completion of investigation, the Police have filed charge-sheet.

4. Perused the First Information Report as well as supplementary statements of the victim-girl, and also gone through the statement of one Sujit Kaikadi who is alleged eye-witness. It is stated that the Accused took victim on the false pretext of illness of victim's mother. The allegations is about holding the victim's hand and chasing her. Though the Applicant is charged with several offences, the non-bailable offence punishable under Section 354 of the Indian Penal Code and Section 8 of the POCSO Act attracts maximum punishment of imprisonment, which may extend to the term of five years. Since, the investigation is complete and charge-sheet has been filed, practically his detention is not necessary unless there are other reasons. The Special Court while rejecting the bail, has expressed that there is possibility of pressurizing the victim since both are resident of the same village. A care can be taken by imposing certain stringent conditions while enlarging the Applicant on bail. The trial will take its own time for disposal in accordance with law. Having regard to the nature of accusation, quantum of punishment, stage of investigation, the Applicant can be released on bail by putting certain conditions. Hence, the following order :

- (a) The Application stands allowed.
- (b) The Applicant/Accused Mangesh s/o Arunrao Kangale is released on bail on his furnishing P.R. bond of Rs.25,000/- with one or two sureties in the like amount.
- (c) The applicant shall not enter into the limits of village Talni (Bhagwat) till completion of trial.
- (d) The Applicant shall not tamper or pressurize the prosecution witness in any manner.

The Application stands disposed of accordingly.

JUDGE

Trupti