

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

CRIMINAL APPLICATION (BA) 194 OF 2021

(Golya @ Sagar s/o. Himmatrao Tantarapale..vs.. Stte, thr PSO Anjangaon Surji, Dist.
Amravati)

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

Court's or Judge's orders.

Mr. D.R. Rupnarayan, counsel for applicant.
Mr. M.K. Pathan, APP for applicant /State.
Ms. Radha Mishra, counsel (appointed) for the victim.

CORAM: ROHIT B. DEO, J.

DATE: 27.09.2021.

Heard.

2. The applicant is seeking bail in connection with Crime 455/2019, registered with Police Station, Anjangaon Surji, Dist. Amravati, for offence punishable under section 376 AB of Indian Penal Code and sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

3. The crime is registered on the basis of report dated 28.11.2019, lodged by the father of the victim, who was then 6 years old, at the Anjangaon Surji Police Station.

4. The gist of the report is that at 4.00 p.m., on

28.11.2019, the victim accompanied the applicant-accused since she was assured that she would be dropped home on the motorcycle of the accused. When the father returned home at 5.30 p.m., the victim allegedly disclosed that the accused kissed her and touched her private organ to his private parts.

5. The learned Sessions Judge has noted the medical examination report of the victim. A prima facie view is taken that there was an attempt, and the act of penetration may not have been successful. I am inclined to agree with the prima facie view.

6. The accused is denied bail primarily on the ground that he and the victim are neighbours.

7. The accused has no criminal antecedents and a statement is made by the learned counsel for the applicant that he is a student. The apprehension of the prosecution that the accused shall pressurize the witnesses can be allayed by imposing suitable conditions.

8. Since the accused is already in custody since the last nearly two years, I am inclined to grant bail, subject to certain conditions.

(i) The applicant be released on bail in connection with Crime 455/2019, registered with Police Station, Anjangaon Surji, Dist. Amravati, for offence punishable under section 376 AB of Indian Penal Code and sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, on executing PR bond of Rs. 16,000/- (Rupees Sixteen Thousand) with one solvent surety of the like amount;

(ii) The applicant shall not enter the territorial limits of village Vadali, Tal. Anjangaon Surji, till the conclusion of the trial, save and except, on the dates of hearing. Any breach of this condition may *ipso facto* entail cancellation of bail, if an appropriate motion is moved by any interested person;

(iii) The applicant shall not, directly or indirectly, make any attempt to influence the witnesses or otherwise tamper with the evidence;

(iv) The applicant shall not leave the country without the permission of the trial Court.

9. Fees of the learned appointed counsel Ms. Radha Mishra be quantified and paid in accordance with Rules.

Judge

Belkhede