

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

CRIMINAL APPLICATION (BA) NO. 209 OF 2020

(Ankush s/o Premdas Rathod Vs. State of Maharashtra)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Shri V.G. Bhamburkar, Advocate for the applicant.
 Ms. Nivedita Mehta, A.P.P. for the non-applicant /State.

CORAM: MRS. SWAPNA JOSHI, J.

DATED : 25th JANUARY, 2021.

Heard Shri V.G. Bhamburkar, the learned counsel for the applicant and Ms. Nivedita Mehta, the learned APP for the non-applicant/State.

2. By this application, the applicant is seeking regular bail in Crime No. 85/2020 registered at Police Station Pandharkawda, District Yavatmal for the offences punishable under Sections 341, 354-A & 354-D of the Indian Penal Code and Section 12 of the Protection Of Children From Sexual Offences Act, 2012 (for short "POCSO" Act).

3. It is the case of the prosecution that the applicant is aged about 22 years old, who used to follow the victim whenever she used to attend her school and return back from the school. It is alleged that on 23.12.2019, at about 5.15 pm, when the victim was returning home from her school, the applicant followed her and said that he loves her. On 31.12.2019, the applicant again stated the same thing and said that she

should reply otherwise he would commit suicide. Again on 23.01.2020, he followed the victim and repeated the same thing. On 26.01.2020, the applicant tried to hug the victim, and therefore, the report came to be lodged.

4. Ms. Mehta, the learned APP opposed the said application.

5. After hearing both the sides, it is noticed that the applicant is in jail since 26.02.2020 and considering the fact that the investigation is over and the charge-sheet is already filed against him, so also considering the nature of the offence and the allegations against him, I am inclined to release the applicant on bail on imposing certain conditions. Hence, the following order.

ORDER

- i. The Criminal Application is **allowed**.
- ii. The Applicant – Ankush s/o Premdas Rathod, be released on bail in Crime No. 85/2020 registered at Police Station Pandharkawda, District Yavatmal for the offences punishable under Sections 341, 354-A & 354-D of the Indian Penal Code and Section 12 of the Protection Of Children From Sexual Offences Act, 2012, on his furnishing P.R. Bond in the sum of Rs. 20,000/- with one or two solvent sureties in the like amount.

- iii. The Applicant shall neither tamper with the evidence so far collected by the prosecution nor pressurize the prosecution witnesses in any manner.
 - iv. The Applicant shall attend the concerned police station on second and fourth Saturday of the month in between 11.00 a.m. to 2.00 p.m.
 - v. The Applicant shall not indulge in similar type of offence in future. If it is noticed that he is involved in such type of offence, the prosecution will be at liberty to move for cancellation of bail.
 - vi. The Applicant shall keep himself away from the limits of area where the victim and other witnesses are residing.
 - vii. The Applicant shall not change the place of residence without prior intimation to the concerned police station.
 - viii. The Applicant shall attend the dates of hearing regularly in the trial court.
 - ix. His two consecutive absence without reasonable cause will entail the prosecution to move for cancellation of bail.
6. Criminal Application stands **disposed** of accordingly.

(MRS. SWAPNA JOSHI, J.)