

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

CRIMINAL APPLICATION (BA) NO.285 OF 2021

(Abdul Latif s/o Abdul Rehman Vs. State of Maharashtra thr. PSO PS Akot, Tq. Akot,
Dist. Akola and another)

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

Court's or Judge's orders.

Mr. A.B. Mirza, Advocate for Applicant.
Ms. T.H. Udeshi, APP for Non-Applicant 1/State.
Ms. Radha Mishra, Advocate for Non-Applicant 2.

CORAM: ROHIT B. DEO, J.

DATE: 9th JULY, 2021.

Hearing was conducted through video conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. The applicant who is aged 75 years is implicated in Crime 691/2020 registered with Police Station Akot, Tahsil Akot, District Akola for offence punishable under Sections 354, 354-A of the Indian Penal Code and Sections 7 and 8 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act).

3. The applicant is in custody since 18.12.2020. The investigation is complete and the charge-sheet is filed.

4. While the medical papers specifically mention that there is no injury noticed, since according to the medical history recorded, the manipulation of the genitalia

is while the child victim was wearing clothes, absence of injury may not be very relevant. Be that as it may, it would not be appropriate to make any decisive observation as regards matters which the trial court would be looking into on the basis of the evidence adduced.

5. At this stage, I am also not inclined to make any observation on the submission on behalf of the accused that he is falsely implicated due to a civil dispute.

6. The applicant is aged 75 years and the possibility of expeditious trial, particularly considering the present situation, appears to be unrealistic. I do not find any reason why the applicant should be compelled to languish in custody till the conclusion of the trial.

7. The learned counsel for the applicant has assured the Court that since the applicant and the victim are neighbours, the applicant shall not enter the territorial limit of the municipal ward in which the applicant and the victim reside, till the conclusion of the trial.

9. The application is allowed.

10. The applicant be released from custody subject to the following conditions:

(i) The applicant shall execute the personal bond of

Rs.15,000/- with a solvent surety of like amount.

(ii) The applicant shall not enter the territorial limit of the municipal ward in which the applicant and the victim reside, till the conclusion of the trial, unless permitted to do so by the jurisdictional Court, for just and exceptional reasons.

(iii) The applicant shall not make any attempt to influence the witnesses, directly or indirectly.

11. The application is disposed of accordingly.

JUDGE