

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

Criminal Application (BA) No.271/2021

(Santosh Chandane V State of Maharashtra, thr PSO PS Jalamb, District Buldana)

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

Court's or Judge's orders

Shri S.V Sirpurkar, Adv for applicant.
Shri M.A. Kadu, APP for State.

CORAM : S.M. MODAK, J.
DATE : 21-04-2021.

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

2. Heard learned Advocate Shri S.V. Sirpurkar for the applicant and Shri M.A. Kadu, learned APP for the State.

3. At the instance of the victim the offence bearing Crime No.36/2021 is registered against this applicant on 02-03-2021. The victim is a daughter of the Pujari of the temple of Lord Hanuman. The present applicant came to the temple on 01-03-2021 at 10.00 pm and offered to victim to marry by eloping her. When she refused, the applicant misbehaved with her. Her relatives came on the spot when she shouted. Similar incident took place 15 days back. On her complaint, the Police registered an offence under Sections 354-A, 354-D, 323, 506 of the Indian Penal Code and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

4. The applicant's bail application came to be rejected by the Additional Sessions Judge, Khamgaon on 09-03-2021. The main reason for rejection is, there is likelihood that the applicant will commit the same offence and the investigation is in

progress.

5. I do not think that for continuance of the investigation the applicant is required to be kept behind bar. So also apprehension about repetition of the crime can be taken care of by imposing conditions. This is a case of sexual assault and sexual harassment and not the case of any penetrative sexual assault. The offences under Sections 8 and 12 of the Protection of Children from Sexual Offences Act, are punishable with five years and three years. There are no criminal antecedents against the applicant. Therefore, the applicant deserves to be released on bail. Hence, the order :-

ORDER

- (a) Application is allowed.
- (b) Applicant-Santosh Ramesh Chandane be released on bail on furnishing PR Bond and Surety Bond of Rs. 20,000/-.
- (c) The applicant to give attendance to Jalamb Police Station, District Buldana on every Sunday from 10.00 am to 12.00 noon till filing of the chargesheet.
- (d) The applicant not to tamper with the prosecution witnesses or to allure them in any manner.

(S.M. Modak, J.)