

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

CRIMINAL APPLICATION (BA) NO.290/2021

Pramod s/o Gopal Khachane,

-VERSUS-

State of Maharashtra through P.S.O. P.S. Shegaon City, Tahluka, Khamgaon, District Buldhana.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri S.V. Sirpurkar, Advocate for applicant.
Ms N.P. Mehta, A.P.P. for non-applicant/State.

CORAM : VINAY JOSHI, J.

DATE : APRIL 08, 2021.

Hearing was conducted through Video Conferencing.

2. The applicant is seeking regular bail in Crime No. 87/2021 registered with Shegaon City Police Station, District Buldhana, for the offence punishable under Sections 354, 354-D, 506 of the Indian Penal Code and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012. The applicant claimed bail on the ground of innocence, false implication and inadequacy of material etc. Beside that the victim was having relationship with the son of her paternal aunt to which applicant objected hence he has been falsely implicated.

3. The State resisted bail by filing reply-affidavit. It is contended that though the applicant is a father of the victim still he has sexual exploited her despite close relationship. Moreover, it

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is contended that there is every possibility of pressurising the victim hence bail is prayed to be rejected.

4. At the instance of report lodged by victim aged 16 years, a crime was registered. The applicant is step-father of the victim. It is alleged that the applicant was having ill eye on the victim as well as repeatedly inappropriately touched her. She has also informed the things to her mother who in turn sent her to reside with her aunt. The victim further stated that on 26/02/2021, the applicant chased her and gave threats on which she lodged a report.

5. The alleged offences are punishable with imprisonment which may extend for five years of imprisonment. The applicant is arrested on 25/02/2021 and after facing custodial interrogation, he is in jail. Learned Additional Public Prosecutor made a statement that till date, the statement of victim's mother has not been recorded. In fact, victim's mother can be the best person to say about the things, since according to the victim she had immediately informed the things to her. Since the offences are punishable which imprisonment may extend to five years, the charge-sheet has to be filed within 60 days and therefore, the investigation is practically over. Having regard to all these facts, the only aspect needs to be answered is to eliminate the chances of

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pressurising the victim girl. In the circumstances, following order is passed:

- I) Criminal Application stands allowed.
- II) Applicant Pramod s/o Gopal Khachane is released on bail on furnishing PR Bond of Rs.25,000/- with one or two surety in the like amount.
- III) Applicant shall not enter the territorial limits of entire Shegaon taluka, till the conclusion of trial.
- IV) The applicant shall attend each and every date before the concerned Court.
- V) The applicant shall not directly or indirectly tamper the prosecution witnesses in any manner.
- VI) If the applicant commit any breach of the above conditions including entering into the limits of Shegaon Taluka, it is open for prosecution to move for cancellation of bail.

JUDGE

R.S. Sahare