

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

CRIMINAL APPLICATION [BA] NO. 338/2021.

Shailesh Mahendra Lonar

-VERSUS-

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

Shri P.J. Mehta, Advocate for the Applicant.

Shri A.M. Deshpande, A.P.P. for the Non-applicant.

CORAM : VINAY JOSHI, J.

DATE : JUNE 17, 2021.

Hearing was conducted through Video
Conferencing.

2. The applicant is seeking bail in connection with Crime No. 672/2020 registered with Badnera Police Station, District Amravati for offence punishable under Sections 377, 363, 323, 504, 506 of the Indian Penal Code read with Section 4, 5[N], 6, 8 of the Protection of Children from Sexual Offences Act, 2012. The applicant is seeking bail by primely contending that it is a case of false implication due to family rivalry. The learned Counsel for the applicant has

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pointed out certain improbabilities about the story as narrated by the witnesses. He would submit that the medical evidence totally excludes the happenings. It is also stated that though certain condoms were found at the place of occurrence, neither they were seized, nor any investigation in that direction has been carried out.

3. The State has resisted the bail by filing reply-affidavit and by pointing out serious allegations.

4. At the instance of a report lodged by father of the victim aged 15 years, present crime has been registered. It is prosecution case that at the relevant time, the accused, who is relative of the informant has telephonically called the victim, took him in the field. At said place he caused victim to undress and sexually abused her. Medical certificates of victim as well as of applicant no where discloses any injury to support the prosecution case. Apparently things found at the place of occurrence i.e. condoms were never seized, nor were sent for experts opinion. There are no signs or mark of violence noted at the place of occurrence. The investigation is complete and charge sheet has been filed. There are no antecedents against the

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applicant who is a young boy aged 24 years, as stated in the application. The trial will take its own time for disposal according to law. Having regard to all these facts, the applicant can be released by putting certain stringent condition so as eliminate the chances of pressurizing the witnesses. Hence, the following order.

- (i) Criminal Application is allowed and disposed of.
- (ii) The applicant / accused – Shailesh Mahendra Lonare be released on bail in connection with Crime No. 672/2020 registered with Badnera Police Station, District Amravati for offence punishable under Sections 377, 363, 323, 504, 506 of the Indian Penal Code read with Section 4, 5[N], 6, 8 of the Protection of Children from Sexual Offences Act, 2012 on his furnishing P.R. Bond of Rs.25,000/- with one or two sureties in the like amount.
- (iii) The applicant/accused shall not enter into the territorial limits of Badnera City till the conclusion of the trial.
- (iv) The applicant /accused shall not directly or indirectly make any inducement, threat or promise to any

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person acquainted with the facts of the case, as also shall not tamper with the evidence.

- (v) Breach of any of the above conditions would give rise to the prosecution to move this Court for cancellation of bail.
- (vi) Pending applications if any, stands disposed of.

JUDGE

Rgd.