

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

CRIMINAL APPLICATION (ABA) NO. 283/2021

Sachin S/o Shankar Hatmode
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 T. Deshpande, Advocate for applicant.
Shri H. D. Dubey, APP for non-applicant/State.

CORAM : VINAY JOSHI, J.
DATE : 05.07. 2021.

Hearing was conducted through Video
Conferencing.

2. The applicant is apprehending to be arrested in Crime No. 99/2021 registered at Police Station Mahagaon, Dist. Yavatmal for the offence punishable under Sections 354, 354-A, 354A(1)(iv), 354-D, 504, 506 of the Indian Penal Code and Section 12 of the Protection of Children From sexual Offences Act, 2012. The applicant has claimed bail on the ground of innocence, false implication, inadequacy of material etc. The State resisted bail by filing reply-affidavit. It is contended that the applicant has harassed minor victim and this being an offence

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against Society, he is not entitled for pre-arrest protection.

3. This Court has granted interim protection to the applicant vide order dated 04.05.2021 and till date, the same is in force. There is no grievance that the applicant has either misused his liberty or had not followed the directions of this Court regarding attendance at Police Station.

4. It is the prosecution case that the applicant along with co-accused has followed minor victim and harassed her by expressing his love. So also, the applicant gave threat in abusive language. As per contents of First Information Report, there is no physical contact at all. The applicant is young boy aged 19 years. Nothing is to be seized from the applicant. In view of this, he is entitled for protection, however certain conditions are to be imposed to desist him from pressurizing witnesses. Hence, following order:-

(I) Application stands allowed.

(II) Interim order dated 04.05.2021 is hereby

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made absolute with directions that instead of giving periodical attendance, he should attend concerned Police Station as and when required.

(III) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.

(IV) The applicant shall not enter into the territory limit of village Tembi till the Trial Court records evidence of victim girl.

(V) The applicant shall provide his residential address and cell number to concerned Investigating Officer and shall not change his place of residence without prior intimation to the concerned Investigating Officer.

JUDGE

Gohane.