

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

CRIMINAL APPLICATION (BA) 554 OF 2021

(Vithal s/o. Pralhad Pawar..vs.. State, thr PSO, PS, Pinjar Akola, Dist. Akola)

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

Court's or Judge's orders.

Mr. Ajay Londhe, counsel for applicant.
Mr. M.K. Pathan, APP for non-applicant/State.

CORAM: ROHIT B. DEO, J.
DATE:09.07.2021.

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

Heard.

2. The applicant is seeking regular bail in connection with Crime 13/2018, registered with Police Station, Pinjar, Akola, Dist. Akola, for offences punishable under sections 376(2)(f),(i),(n), 354-B, 506 read with sections 3,4,9(L)(N)10,5,(I)(N)6 of Protection of Children from Sexual Offences Act.

3. The allegation is that the applicant took undue advantage of his 14 years old daughter and sexually ravished her.

4. The applicant is in custody since 22.1.2018.

5. Mr. Ajay Londhe, the learned counsel has invited my attention to the evidence. The trial has commenced and the victim and nearly all material witnesses have deposed. Mr. Ajay Londhe would emphasize that neither the victim nor her mother have supported the prosecution. It is further submitted that the medical evidence on record is not consistent with penetrative sexual assault.

6. Since the trial has commenced, I do not find it appropriate to make any observation as regards the probative value of the medical evidence or for that matter the probative value of the testimony of the witnesses who have turned hostile.

7. However, broadly considering the material and in view of the fact that the victim and her mother are residing at Mumbai and the applicant would be residing at Mozari, I do not find any impediment in releasing the applicant on bail.

8. The applicant be released on bail in connection

with Crime 13/2018, registered with Police Station, Pinjar, Akola, Dist. Akola, for offences punishable under sections 376(2)(f),(i),(n), 354-B, 506 read with sections 3,4,9(L)(N)10,5,(I)(N)6 of Protection of Children from Sexual Offences Act, on executing PR bond of Rs. 16,000/- (Rupees Sixteen Thousand) with one solvent surety of the like amount.

9. The applicant shall not contact any witness nor shall the applicant make any attempt to tamper with the evidence.

10. The applicant shall not leave the country without the permission of the trial Court.

Judge

Belkhede