

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

CRIMINAL APPEAL NO. 298/2020.

Shriram Motiram Chahkar,
Age about 73 years, Occupation
Agriculturist, resident of
Ganeshpur, Tq. Khamgaon,
District Buldhana.

... **APPELLANT.**

VERSUS

1.State of Maharashtra,
through Police Station Hiwarkhed,
Khamgaon, Hiwarkhed,
Tah. Khamgaon, District Buldhana.

2.Sau. Kalpana Sitaram Bhalerao,
Aged about 45 years, Occupation -
Labour, resident of Ganeshpur,
Tq. Khamgaon, District Buldhana.

... **RESPONDENTS.**

Ms. F. Badani, Advocate h/f. Shri S.V. Sirpurkar, Advocate
for the Appellant.

Mr. I.J. Damle, A.P.P. for Respondent No.1.
None for Respondent No.2 – Served.

CORAM : VINAY JOSHI, J.

DATE : SEPTEMBER 08, 2021.

ORAL JUDGMENT :

Challenge in this appeal is to the order dated 07.08.2021, passed below Exh.3 in Special (POCSO) Case No.53/2020 by the Special Judge, Khamgaon, Buldhana. The trial Court by the said order has rejected the application moved by the appellant/accused for grant of bail in connection with Crime No.128/2020 registered with respondent no.1 Police Station Officer, Khamgaon, District Buldhana for the offence punishable under Section 154, 154(a), 354(d), 452, 504, 506 of the Indian Penal Code and Section 3[1][w] [i][ii], 3[2][va], 3[1][u] of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. Though served, there is no appearance on behalf of respondent no.2. By consent of the learned Counsel present for the parties and considering the nature of challenge, the appeal is taken up for final hearing.

Admit.

3. It is the prosecution case that the appellant/accused

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entered the house of the informant lady, aged 40 years, pressed her chest and thereby outraged her modesty. In said crime, the appellant came to be arrested on 12.06.2020 and after facing custodial interrogation he was on bail by virtue of the interim order dated 08.09.2020.

4. Admittedly the investigation is completed and charge sheet has been filed. The appellant is 73 years of age. The learned Counsel for the appellant has brought to the notice that, prior to lodging the first information report, the appellant has already filed a report with the police station against the son of the informant/respondent no.2 in respect of an assault. Though the learned A.P.P. has resisted the appeal, in view of above and considering the nature of allegations, further detention of appellant is no more required, hence, the following order.

ORDER

- (i) Criminal Appeal is allowed and disposed of.
- (ii) The order dated 07.08.2021, passed below Exh.3 in Special (POCSO) Case No.53/2020 by the Special Judge, Khamgaon, Buldhana is hereby quashed and set

aside.

- (iii) The interim order passed by this Court on 08.09.2020, is hereby made absolute on the same terms and conditions.
- (iv) Respondent no.1 State is at liberty to move this Court, if the appellant commits breach of either of the condition.
- (v) It is made clear that since charge sheet has been filed, the condition of attending the police station, would not remain in force.

Rgd.

JUDGE