

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

CRIMINAL APPEAL NO. 251 OF 2021

Sunil Bhagwat Pajai,
Aged about 30 years,
Occupation : Labour,
R/o Railway Station, Jalamb,
Tq. Shegaon, District Buldana

... **APPELLANT**

VERSUS

1. State of Maharashtra, through
Police Station Officer,
Khamgaon, Buldana.
2. Sau. Anusaya Digambar Kamble
aged about : 41 years,
Occupation : Nil,
R/o Near Railway Station, Jalamb,
Jalamb, Buldana

... **RESPONDENTS**

Shri S.V. Sirpuarkar, Advocate with Mrs. R.S. Sirpurkar,
Advocate for the Appellant.
Shri I.J. Damle, A.P.P. for the respondent no. 1-State.
Respondent no.2 is served.

CORAM : **VINAY JOSHI, J.**
DATED : **09/07/2021**

ORAL JUDGMENT :

ADMIT. Heard finally by consent of learned Counsel appearing for the respective parties.

2. By way of this appeal, the appellant is seeking for regular bail in Crime No.50 of 2021 registered with Jalamb Police Station, District Buldana for the offence punishable under Sections 354, 354-A of the Indian Penal Code, Sections 3(1)(w)(i)(ii), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 8 of the Protection of Children from Sexual Offences, 2012 (POCSO).

3. The Respondent no.1/State resisted bail by filing reply-affidavit and contending that there is statement of eye-witness who has seen the applicant running from that place soon-after the occurrence.

4. At the instance of report lodged by the mother of the victim-girl aged 12 years, the crime was registered. It is alleged that on the date of occurrence, the appellant accosted the victim-minor girl, caught hold her hand, took her behind the dispensary and asked about love

relationship. The victim-minor girl gave jerk and ran away. The allegations are restricted to outraging the modesty of a woman and sexual assault, which are punishable with the imprisonment which may extend up-to five years. Investigation is complete and charge-sheet has been filed. There is no reason to detain the appellant/accused furthermore at this pre-trial stage.

5. Having regard to the nature of accusation, the appellant can be released on bail by imposing certain conditions. In view of that, following order is passed :

(i) The Criminal Appeal is allowed. The impugned order dated 08.06.2021 passed by the learned Additional Sessions Judge, Khamgaon in Special Case No.51 of 2021 is hereby quashed and set aside.

(ii) The Appellant/accused Sunil Bhagwat Pajai be released on bail in connection with the Crime No.50 of 2021 registered with Jalamb Police Station, District Buldana for the offence punishable under Sections 354, 354-A of the Indian Penal Code, Sections 3(1)(w)(i)(ii), 3(2)(va) of the Scheduled Castes and Scheduled Tribes

(Prevention of Atrocities) Act, 1989 and Section 8 of the Protection of Children from Sexual Offences, 2012 (POCSO) on his furnishing P.R. bond of Rs.25,000/- with one or two sureties in the like amount.

(iii) The Appellant/accused 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 Appellant/accused shall not enter within the limits of village Jalamb, till the conclusion of trial.

The Criminal Appeal stands disposed of accordingly.

JUDGE

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