

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

CRIMINAL APPEAL NO. 259/2021

Sagar S/o Rajendra Devarkar,
Aged about 22 years, Occ. Cultivator,
R/o. Talegaon (S.P), Tah. Ashti,
Dist. Wardha.

.... APPELLANT
(In Jail)

// VERSUS //

1. State of Maharashtra,
through P. S. O. Police Station,
Talegaon (S.P), Tah. Ashti, Dist. Wardha.
2. Ku. Tejasvani S/o. Anil Meshram,
Aged about 19 years, Occ. Education,
R/o. Kakaddhara Ward No. 6,
Talegaon (S.P), Tah. Ashti, Dist. Wardha.

.... RESPONDENTS

Shri M. Rai, Advocate for appellant.
Shri A. M. Deshpande, APP for respondent No.1.

CORAM : VINAY JOSHI, J.
DATED : 24.08.2021

JUDGMENT

Heard.

2. **Admit.**

3. Perused First Information Report, reply – affidavit and impugned order.

4. The appellant was arrested in Crime No. 225/2021 for the offence punishable under Sections 354, 354-A(1)(i), 451 of the Indian Penal Code and Sections 3(1)(w)(i)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The Trial Court has declined to release appellant/accused on regular bail, hence this appeal.

5. The victim girl alleged that on the date of occurrence, the appellant came to her house, caught hold her hands and abused her in the name of caste. Already appellant has faced custodial interrogation. Though two previous offences are registered against him, however considering nature of existing crime, his detention is no more required. The purpose would be served, if certain conditions are imposed. In view of that following order:-

(I) The appeal stands allowed and disposed of.

(II) The impugned order dated 15.06.2021 passed by the learned Additional Sessions Judge, Wardha in Misc. Criminal Application No. 226/2021 is quashed and set aside.

(II) The appellant – Sagar S/o Rajendra Devarkar is released on bail on his furnishing P.R. Bond of Rs. 25,000/- with one surety in the like amount.

(III) The appellant shall attend the proceedings before the Trial Court on each and every date unless specifically exempted by the Trial Court.

(IV) The appellant 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.

JUDGE