

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

CRIMINAL APPLICATION (BA) 700 OF 2021

(Dhiraj s/o. Kailas Jain..vs.. State, thr PSO, PS Old City, Tal. 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. A.S. Londhe, counsel for applicant.
Mrs. K.R. Deshpande, APP for non-applicant /State.
Mr. C.D. Wasade, counsel for victim.

CORAM: ROHIT B. DEO, J.

DATE: 06.09.2021.

Heard.

2. The applicant is in custody since 6.3.2021, in connection with Crime 172/2021, registered with Old City Police Station, Tal. Dist. Akola, for offence punishable under section 354 D of Indian Penal Code and sections 11(1)(4)(6), 12, 18 of Protection of Children From Sexual Offences Act, 2012.

3. The accusation is that on 4.3.2021, the applicant offered Rs.5/- to the child victim and asked her to come to his room.

4. The child victim went home and reported the incident to her mother.

5. The report is lodged at 4.30 p.m. on 6.3.2021.

6. Considering that the applicant has no criminal antecedents, that the apprehension of the prosecution that he would behave in similar indecent fashion and the children of the locality are afraid of the applicant who is habituated to consuming liquor, can be allayed by undertaking given by Mr. A.S. Londhe that the applicant shall not enter the territorial limits of Akola City till every material witness in the trial is examined, save and except, on the date of hearing.

7. This Application is allowed subject to the following conditions:

(i) The applicant be released on bail in connection with Crime 172/2021, registered with Old City Police Station, Tal. Dist. Akola,

for offence punishable under section 354 D of Indian Penal Code and sections 11(1)(4)(6), 12, 18 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;

(ii) The applicant shall not enter the territorial limits of Akola City till every material witness in the trial is examined, save and except, to attend the hearing;

(iii) While on bail, the applicant shall not attempt to contact any witness. Breach of condition of bail, may ipso facto entail in cancellation of bail, if an appropriate motion is moved by the prosecution or any interested person;

(iv) The applicant shall not, directly or indirectly, make any attempt to influence the witnesses or otherwise tamper with the

evidence;

(v) The applicant shall not leave the country without the permission of the trial Court;

vi) Fees of the appointed counsel Mr. C.D. Wasade be quantified and paid in accordance with Rules.

Judge

Belkhede