

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

CRIMINAL APPLICATION (BA) NO.724 OF 2021

(Kishor Shrikisan Ladake Vs. State of Maharashtra thr. PSO PS Mangrul Dastgir, Tq.
Dhamangaon Railway, Dist. Amravati)

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

Court's or Judge's orders.

Mr. R. J. Shinde, Advocate for Applicant.
Mr. M. K. Pathan, APP for Non-Applicant/State.
Mrs. Mayuri Kulkarni Dharmadhikari, Advocate appointed for victim.

CORAM: ROHIT B. DEO, J.

DATE: 8th OCTOBER, 2021.

The alleged victim is six years old. At 11:30 a.m. or thereabout on 28.03.2021 the applicant allegedly took her to his house and sexually assaulted her. The report is lodged by the mother of the victim on 30.03.2021. On the basis of the report Crime 68/2021 for offences punishable under Sections 376(a)(b), 354-B, 504, 506 of the Indian Penal Code and Section 8 and 12 of the Protection of Children from Sexual Offences Act (POCSO Act) is registered against the applicant and he is in custody since 30.03.2021.

2. I am inclined to grant bail for reasons which are briefly stated hereinafter.

3. The report makes no reference to physical contact and such version is coming up for the first time in

the subsequent statement recorded by the Child Welfare Committee, Amravati. All that is say in the report is that the victim disclosed to her mother that the applicant undressed and then undressed the victim and asked her to leave after the informant came calling. The explanation which is given by the father of the victim is that his wife did not disclose the physical contact herein fearing the social stigma. The same statement makes a reference to a confrontation with the applicant in which the father of the victim alleges, he was abused and threatened. Be that as it may, these aspects shall have to be addressed by the trial Court.

4. The other reason is that the investigation is complete, the charge-sheet is filed and the applicant has no criminal antecedents and is not a flight risk.

5. The learned APP Mr. Pathan and the learned appointed counsel for the victim Mrs. Kulkarni do apprehend that since the applicant resides right front of the victim's house, the victim may not feel safe and secure. The learned counsel for the applicant states that the applicant volunteers not to enter the limits of village Bhatkuli (Renukapur), till the conclusion of the trial, unless specifically permitted to do so, for just and exceptional reasons, by the jurisdictional court.

6. This application is allowed.

7. The applicant shall be released on bail on executing personal bond of Rs.25,000/- (Rupees Twenty Five Thousand) with a solvent surety of like amount.

8. The applicant shall not enter the territorial limits of village Bhatkuli (Renukapur), District Amravati, till the conclusion of the trial. Breach of this condition may *ipso facto* entail cancellation of bail, if an appropriate motion is moved by any interested person.

9. The applicant shall not make any attempt to tamper with the evidence or to influence witnesses, directly or indirectly.

10. The applicant shall attend each date of hearing scrupulously.

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

JUDGE