

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

CRIMINAL APPLICATION (BA) 820 OF 2021

(Sagar s/o. Bharat Paikrao..vs.. State, thr PSO, PS MIDC Akola, 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.
Mr. N.R. Rode, APP for non-applicant/State.
Ms. S. Bhatia, counsel (appointed).

CORAM: ROHIT B. DEO, J.

DATE:31.08.2021.

The applicant is facing trial for the offence punishable under sections 354D, 504, 506, 323 of Indian Penal Code and sections 7 and 8 of Protection of Children From Sexual Offences Act, registered with Police Station, M.I.D.C., Akola, District Akola, vide Crime 258/2017.

2. At the stage of evidence, on the premise that the applicant did not remain present on 7.5.2021, 7.6.2021 and on 23.6.2021, the trial Court was constrained to issue non-bailable warrant.

3. The applicant sought cancellation of non-bailable warrant. However, he was taken in custody and the subsequent application (Exh. 26) seeking bail is rejected on the ground that the applicant is "habitual

dodger” of bail conditions.

4. This Court appreciates the concern of the trial Judge that the trial should not be delayed. However, since at the relevant time, the Standard Operating Protocol (SOP) was in force, in view of the Covid-19 pandemic, and coercive action as such was discouraged, I am inclined to grant one final opportunity to the accused to make amends. This Application is allowed.

5. The applicant be released on bail, subject to the following conditions:

(i) The applicant be released on bail in connection with Crime 258/2017, registered with Police Station, M.I.D.C., Akola, District Akola, for offences punishable under sections 354D, 504, 506, 323 of Indian Penal Code and sections 7 and 8 of Protection of Children From Sexual Offences Act, on executing PR bond of Rs. 25,000/- (Rupees Twenty Five

Thousand) with one solvent surety of the like amount.

(ii) The applicant shall not enter the territorial limits of Akola City till the conclusion of the trial, except on the dates of hearing.

(iii) The applicant shall scrupulously attend every date of hearing and even a single default shall ipso facto result in cancellation of bail, if an appropriate motion is moved by the prosecution or the complainant.

(iv) The applicant shall not contact any witness nor shall he indulge in any criminal activity while on bail and breach of this condition too, shall entail in cancellation of bail.

(v) The applicant shall not, directly or indirectly, make any attempt to influence the

witnesses or otherwise tamper with the evidence.

(vi) The applicant shall not leave the country without the permission of the trial Court.

6. The trial Judge is requested to finally conclude the trial within the next 90 days.

7. The fees of the learned appointed counsel Ms. Sweety Bhatia be quantified and paid in accordance with Rules.

Judge

Belkhede