

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

Criminal Application (BA) No. 974 of 2021

[Sanjay @ Makoda Haridas Mesare ..vs.. State of Maharashtra through P.S.O., P.S., Old City, Akola,
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, Advocate for the applicant
Mr. N. R. Rode, APP for the State/non-applicant

CORAM : ROHIT B. DEO, J.

DATED : 30-09-2021

The applicant is seeking bail in connection with Crime 0560/2021 registered with Police Station, Old City, Akola for the offences punishable under Sections 354(D)(1) and 509 of the Indian Penal Code and Sections 8, 11(1) and 12 of the Protection of Children from Sexual Offences Act.

2. The substratum of the prosecution case is that on 19-5-2021 at 10.00 p.m., while the victim was on the way to a shop, the applicant-accused pointed towards his private part. The victim ignored the applicant and went to the shop which was crowded with customers. The victim then went to her house which is adjacent to the shop. The applicant caught her hand and caressed her

body. Submission is that the applicant has no criminal antecedent. Mr. Londhe would submit that the applicant was in custody since 20-5-2021 and further incarceration would only be pre-trial punishment.

3. Mr. Rode points out from the statement of the mother of victim that it is alleged that the applicant is habituated to indecent behaviour. It is submitted that if the applicant is released on bail, the children and women folk in the locality would not feel safe. In response, Mr. Londhe states that till the conclusion of the trial, the applicant shall not reside within the territorial jurisdiction of Akola City. The statement, which is made on instructions received, is accepted as an undertaking to the Court.

4. The application is allowed subject to the following conditions.

(a) The applicant be released on bail on furnishing PR bond of ₹ 16,000/- (Rupees Sixteen Thousand) with solvent surety of like amount.

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

(c) During the pendency of the trial, the applicant shall not enter the territorial limits of the District of Akola unless he is required to do so due to the Court hearing. If the applicant is required to attend the Court hearing, he shall enter the territorial limits of the District on the date fixed and leave by the midnight. Breach of this condition shall *ipso facto* entail in cancellation of bail, if an appropriate motion is moved by any interested person.

(d) The applicant shall, within 48 Hours of the release, make available to the Investigating Officer his residential address and the current phone number/s and shall keep the Investigating Officer updated of any change.

(e) The applicant shall not leave the country without the permission of the jurisdictional Court.

JUDGE