

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

**CRIMINAL APPLICATION (BA) 1029 OF 2021**

(Bhagwan s/o. Santosh Bhople..vs.. State, thr PSO, Malkapur, District Buldana)

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

*Court's or Judge's orders.*

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Mr. Mahesh Rai, counsel for applicant.  
Mr. N.S. Rao, APP for non-applicant /State.  
Mr. Sagar Katkar, counsel to assist victim.

**CORAM: ROHIT B. DEO, J.**

**DATE: 02.12.2021.**

Heard.

2. The applicant is in custody from 5.1.2020 in connection with Crime 6/2020, registered with Police Station, Malkapur, District Buldana, for offences punishable under sections 376-AB of Indian Penal Code and sections 4,5,6 of Protection of Children From Sexual Offences Act, 2012.

3. The prosecution case is that the minor victim Miss "P", her brother Master "S" and cousin Master "P", were called by the applicant – accused inside his house. Miss "P" was asked to sweep the house. Master "P" was allowed to go since he had to answer nature's call. The prosecution case is that in the presence of the minor brother, the applicant undressed the victim and committed

penetrative assault.

4. After hearing the learned counsel for the applicant Mr. Mahesh Rai, the learned APP Mr. N.S. Rao for the non-applicant/State and the learned counsel Mr. Sagar Katkar for the victim and after scrutinizing the material in the case diary, I am inclined to grant bail for reasons briefly spelt out.

5. The applicant has suffered detention of nearly two years.

6. The investigation is complete and the chargesheet is filed.

7. The applicant has undertaken not to enter the limits of the Salipura, Malkapur till all the material witnesses are examined.

8. The medical papers do not show that the victim suffered any injury either to the genitalia or to any other part of her person.

9. The investigation is not likely to be hampered due to

the release of the applicant on bail.

10. This application is allowed subject to the following conditions:

(i) The applicant be released on bail in connection with Crime 6/2020, registered with Police Station, Malkapur, District Buldana, for offences punishable under sections 376-AB of Indian Penal Code and sections 4,5,6 of Protection of Children From Sexual Offences Act, 2012, 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 Salipura, Malkapur, District Buldana till all the material witnesses are examined in the trial, save and except, on the dates of hearing. Any breach of this condition may *ipso facto* entail cancellation of bail, if an appropriate motion is moved by the prosecution or the complainant.

(iii) The applicant shall not make any attempt to contact any witness, personally or telephonically or otherwise. Any breach of this condition may *ipso facto* entail cancellation of bail, if an appropriate motion is moved by the prosecution or the complainant.

(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.

**Judge**

rsb