

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

CRIMINAL APPLICATION (BA) NO. 9 OF 2021

(Rakesh S/o Ganesh Tandlikar Vs. State of Maharashtra)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Shri R.R. Prajapati, Advocate for the applicant.
Ms. Nivedita Mehta, A.P.P. for the non-applicant /State.

CORAM: MRS. SWAPNA JOSHI, J.

DATED : 25th JANUARY, 2021.

Heard Shri R.R. Prajapati, the learned counsel for the applicant and Ms. Nivedita Mehta, the learned APP for the non-applicant/State.

2. By this application, the applicant is seeking regular bail in Crime No. 227/2020 registered at Police Station Pathrot, District Amravati for the offences punishable under Sections 363, 366(A), 417 & 376 of the Indian Penal Code and Sections 4 & 6 of the Protection Of Children From Sexual Offences Act, 2012 (for short "POCSO" Act).

3. The applicant is a married person having two children. He is the neighbour of the victim. It is alleged that the applicant used to meet the victim and give false promise to marry with her. On that pretext, there was a sexual relationship between the applicant and the prosecutrix. The prosecutrix is a girl aged about 16 years. She is a girl of understandable age.

4. Ms. Mehta the learned APP opposed the said application.

5. Perused the case papers and the fact that the investigation is over and the charge-sheet is already filed. Considering the nature of the offence, in my considered opinion, the applicant can be released on bail on imposing certain conditions. Hence, the following order.

ORDER

- i. The Criminal Application is **allowed**.
- ii. The Applicant – Rakesh S/o Ganesh Tandlikar, be released on bail in Crime No. 227/2020 registered at Police Station Pathrot, District Amravati for the offences punishable under Sections 363, 366(A), 417 & 376 of the Indian Penal Code and Sections 4 & 6 of the Protection Of Children From Sexual Offences Act, 2012, on his furnishing P.R. Bond in the sum of Rs. 25,000/- with one or two solvent sureties in the like amount.
- iii. The Applicant shall neither tamper with the evidence so far collected by the prosecution nor pressurize the prosecution witnesses in any manner.
- iv. The Applicant shall attend the concerned police station on second and fourth Saturday of the month in between 11.00 a.m. to 2.00 p.m.

- v. The Applicant shall not indulge in similar type of offence in future. If it is noticed that he is involved in such type of offence, the prosecution will be at liberty to move for cancellation of bail.
 - vi. The Applicant shall keep himself away from the limits of area where the victim and other witnesses are residing.
 - vii. The Applicant shall not change the place of residence without prior intimation to the concerned police station.
 - viii. The Applicant shall attend the dates of hearing regularly in the trial court.
 - ix. His two consecutive absence without reasonable cause will entail the prosecution to move for cancellation of bail.
6. Criminal Application stands **disposed** of accordingly.

(MRS. SWAPNA JOSHI, J.)