

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

Criminal Application (BA) No. 1104 of 2021

(Shri Anil Malaji Bagde ..vs.. State of Maharashtra through Officer Incharge, Koradi P.S., Nagpur,
Tahsil & Dist. Nagpur)

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

Court's or Judge's orders

Mr. Akhtar Ansari, Advocate for the applicant
Mr. N. S. Rao, APP for the State/non-applicant
Ms. S. H. Bhatia, Advocate for the victim (appointed)

CORAM : ROHIT B. DEO, J.

DATED : 25-11-2021

Heard.

2. The applicant was released on bail in Crime 124/2015 registered with Koradi Police Station, Nagpur for offences punishable under Sections 354 of the Indian Penal Code and Sections 3(c), 4, 7, 8 and 12 of the Protection of Children from Sexual Offences Act, vide order rendered in August, 2015.

3. The trial has commenced and the informant, the victim and panch witness to the spot panchanama are examined, is the statement made by the learned counsel for the applicant. It is stated that although on the three dates of hearing, only one witness was examined.

4. The applicant did not attend the proceedings on 4-9-2021 and then on 23-9-2021 and was arrested on 13-10-2021 pursuant to non-bailable warrant issued by the trial Court.

5. The learned trial Court has rejected the bail application on the premise that the trial will be delayed.

6. While strictly on legalistic parameters, the learned trial Judge cannot be faulted, I am inclined to give a final opportunity to the applicant to cooperate in early disposal of the trial. Even otherwise, the mandate of the Protection of Children from Sexual Offences Act is an expeditious trial.

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

(i) The applicant be released on bail on furnishing PR bond of Rs. 25,000/- (Rupees Twenty Five Thousand).

(ii) The surety which may have been furnished earlier shall continue.

(iii) This bail is granted subject to the condition that if there is even a singular default in attending the Court proceedings, the trial Court shall immediately issue non-bailable warrant and take the applicant in custody, unless the absence is condoned or exempted by the learned trial Court for just and exceptional reasons.

(iv) The applicant shall not make any attempt to influence the witnesses.

8. The fees of the learned appointed counsel Ms. S. H. Bhatia be quantified and paid in accordance with the rules.

JUDGE

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